

DEPOSITION OF DUKES SCOTT

November 7, 2018

<div>1</div> <div>STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS COUNTY OF HAMPTON) CASE NO. 2017-CP-25-00335 RICHARD LIGHTSEY, LeBRIAN) CLECKLEY, PHILLIP COOPER,) et al., on behalf of) themselves and all others) situated,) Plaintiffs,) v.) SOUTH CAROLINA ELECTRIC) & GAS COMPANY, a Wholly) Owned Subsidiary of SCANA,) SCANA Corporation, and the) State of South Carolina,) Defendants.) SOUTH CAROLINA OFFICE OF) REGULATORY STAFF,) Intervenor.) VIDEOTAPED DEPOSITION OF DUKES SCOTT (Taken by Defendants South Carolina Electric & Gas Company and SCANA Corporation) November 7, 2018 Reported by: Rebecca L. Arrison Court Reporter Notary Public</div>	<div>3</div> <div>1 BY: NANETTE EDWARDS OFFICE OF REGULATORY STAFF 1401 Main Street Columbia, SC 29201 2 3 4 FOR DEFENDANTS SOUTH CAROLINA ELECTRIC & GAS; SCANA CORPORATION: 5 6 BY: JOHN CHALLY JULIA BARRETT KING & SPALDING LLP 1180 Peachtree Street, N.E. Atlanta, GA 30309-3521 (404) 572-2780 7 8 BY: LEAH B. MOODY LAW OFFICE OF LEA B. MOODY, LLC 235 East Main Street, Suite 115 Rock Hill, SC 29730 (803) 327-4192 9 10 BY: BRYONY HODGES SCANA CORPORATION 1426 Main Street Columbia, SC 29201 (803) 217-9000 11 12 FOR DEFENDANT SANTEE COOPER: BY: RUSH SMITH NELSON MULLINS RILEY & SCARBOROUGH LLP 1320 Main Street, 17th Floor Columbia, SC 29201 (803) 799-2000 13 14 15 FOR DEFENDANTS CENTRAL ELECTRIC COOPERATIVE; ELECTRIC COOPERATIVES OF SOUTH CAROLINA: 16 BY: KEVIN BELL ROBINSON GRAY STEPP & LAFFITTE, LLC 1310 Gadsden Street Columbia, SC 29211 (803) 929-1400 17 18 19 20 21 22 23 24 25</div>
<div>2</div> <div>1 APPEARANCE OF COUNSEL: 2 FOR THE PLAINTIFFS: 3 BY: JESSICA FICKLING STROM LAW FIRM 2110 North Beltline Boulevard Columbia, SC 29205 (803) 252-4800 4 5 BY: WHITNEY HARRISON MCGOWAN, HOOD & FELDER 1517 Hampton Street Columbia, SC 29201 (803) 779-0100 6 7 BY: TERRY RICHARDSON RICHARDSON PATRICK WESTBROOK & BRICKMAN, LLC 1730 Jackson Street Barnwell, SC 29812 (803) 541-7850 8 9 BY: A. GIBSON SOLOMONS (Via Teleconference) SPEIGHTS & SOLOMONS 100 Oak Street, East Hampton, SC 29934 (803) 943-4444 10 11 BY: GREGORY MICHAEL GALVIN (Via teleconference) GALVIN LAW GROUP P.O. Box 887 Bluffton, SC 29910 (843) 227-2231 12 13 BY: ARIAIL E. KING (Via teleconference) LEWIS BABCOCK, L.L.P. 1513 Hampton Street Columbia, SC 29211 (803) 771-8000 14 15 16 17 18 19 20 21 22 FOR THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF: 23 BY: WALLACE K. LIGHTSEY WYCHE LAW FIRM 44 East Camperdown Way Greenville, SC 29601 (864) 242-8200 24 25</div>	<div>4</div> <div>1 FOR THE WITNESS DUKES SCOTT: 2 BY: G. WELLS DICKSON, JR. WELLS DICKSON, P.A. 124 S. Academy Street Kingstree, SC 29556 (843) 354-5519 3 4 5 6 FOR THE STATE IN THE LIGHTSEY CASE AND THE STATE EX REL WILSON IN PSC PROCEEDINGS: 7 8 BY: J. EMORY SMITH, JR. Deputy Solicitor General Office of the Attorney General P.O. Box 11549 Columbia, SC 29211 (803) 734-3642 9 10 11 12 Also Present: 13 Alan Metts, Videographer Gene Soult (Via teleconference) 14 15 16 17 18 19 Videotaped deposition of DUKES SCOTT, taken by the Defendants, at Haynsworth Sinkler Boyd, P.A., 1201 North Main Street, 22nd Floor, Columbia, South Carolina, on the 7th day of November, 2018, at 10:00 a.m., before Rebecca L. Arrison, Notary Public and Court Reporter. 20 21 22 23 24 25</div>

DEPOSITION OF DUKES SCOTT

November 7, 2018

5		7	
1	CONTENTS	1	THE VIDEOGRAPHER: We are now on
2	THE WITNESS: DUKES SCOTT EXAMINATION	2	the record. Today's date is November the 7th,
3	BY MR. CHALLY 5	3	2018, the time is 10:02.
4	BY MR. LIGHTSEY 240	4	This is the video deposition of
5	BY MR. SMITH 247	5	Dukes Scott, taken by counsel for the defendant.
6	BY MS. FICKLING 253	6	The location is Haynsworth Sinkler Boyd,
7	BY MR. CHALLY 283	7	1201 Main Street, 22nd Floor, Columbia, South
8		8	Carolina.
9	INDEX OF EXHIBITS	9	My name is Alan Metts, legal
10	Exhibit No. 1 Press Release, January 15, 2016 68	10	videographer representing CSI Global Depositions
11	Exhibit No. 2 Email From Allyn Powell Dated 73	11	Services, Incorporated. The court reporter is
	March 3, 2016 Re: Final Presentation	12	Rebecca Arrison, also with CSI Global Deposition
12	Exhibit No. 3 Email From Dukes Scott Dated 75	13	Services, Incorporated.
13	April 11, 2016 Re: Website	14	This deposition is taken in the
14	Exhibit No. 4 Email From Mitchell Willoughby 111	15	matter of Richard Lightsey, et al., Plaintiffs,
	Dated April 1, 2015 Re: Meeting	16	versus South Carolina Electric & Gas Company, et
15	Exhibit No. 5 ORS's Answers to First Set of 116	17	al., Defendants. Case Number 2017-CP-25-00335 in
16	Requests for Admissions, Second Set of	18	the Court of Common Pleas, State of South
17	Interrogatories, and Second Set of	19	Carolina, County of Hampton.
18	Requests for Production of Documents	20	Will counsel now please introduce
	(Amended)	21	yourselves for the record.
19	Exhibit No. 6 Email from Margaret Felkel Dated 127	22	MR. DICKSON: I'm Wells Dickson,
20	October 22, 2014 Re: Final October	23	Dukes Scott's personal attorney.
21	ORS Agenda	24	MR. LIGHTSEY: Wallace Lightsey
22	Exhibit No. 7 ORS NND Request Form GGS-4 175	25	attorney for the Office of Regulatory Staff.
23	Exhibit No. 8 ORS NND Request Form GCJ-3 186		
24	Exhibit No. 9 Settlement Agreement June 29, 2015 189		
25			
6		8	
1	Exhibit No. 10 South Carolina Office of 191	1	MS. EDWARDS: Nanette Edwards,
2	Regulatory Staff Review of South	2	attorney for the Office of Regulatory Staff.
3	Carolina Electric & Gas Company's 2014	3	MS. FICKLING: Jessica Fickling,
4	1st Quarter Report on V.C. Summer	4	the Strom Law Firm, on behalf of the plaintiff
5	Units 2 and 3 Status of Construction	5	class.
6	Exhibit No. 11 Letter from SCANA to Mr. Asherman 198	6	MS. HARRISON: Whitney Harrison
7	And Mr. Roderick	7	from McGowan Hood & Felder, for the plaintiff
8	Exhibit No. 12 South Carolina Office of Regulatory 202	8	class.
9	Staff Review of South Carolina	9	MR. SMITH: Rush Smith
10	Electric & Gas Company's 2015 1st	10	representing Santee Cooper.
11	Quarter Report on V.C. Summer Units 2	11	MR. RICHARDSON: Terry Richardson
12	And 3 Status of Construction	12	for Lightsey.
13	Exhibit No. 13 Letter from ORS to Byron Hinson 206	13	MR. BELL: Kevin Bell on behalf of
14	Dated December 14, 2015	14	Central Electric Power Cooperative.
15	Exhibit No. 14 Email from Gary Jones Dated April 3, 211	15	MR. SMITH: Emory Smith for the
16	2016 Re: Summary of March 29 & 30,	16	State of South Carolina in the Lightsey Cleckley
17	2016 VCS Visit	17	cases and for the State ex rel. Wilson in the PSC
18	Exhibit No. 15 Letter from ORS to Mr. Jackson 217	18	cases.
19	Dated May 13, 2016	19	MS. MOODY: Leah Moody, SCANA,
20	Exhibit No. 16 Letter from ORS to Mr. Hinson 223	20	SCE&G.
21	Dated June 30, 2016	21	MS. BARRETT: Julia Barrett with
22	Exhibit No. 17 Email from Iris Griffin Dated 229	22	King & Spalding for SCE&G and SCANA.
23	February 2, 2017 Re: Today 10:30 a.m.	23	MR. CHALLY: Jon Chally from King
24	ET - Perspectives on New Nuclear &	24	& Spalding representing SCE&G and SCANA.
25	Discussion with the South Carolina	25	Before we swear in the witness, we
	Office of Regulatory Staff		
	Exhibit No. 18 Email from Allyn Powell Dated 232		
	March 1, 2017 Re: Letter Good		
	Afternoon, Dukes		
	Exhibit No. 19 Letter from ORS to Mr. Hinson 235		
	Dated August 8, 2016		
	Certificate of Service 286		
	Witness Attestation Sheet 287		

DEPOSITION OF DUKES SCOTT

November 7, 2018

9	<p>1 have some people on the phone, two lawyers, and</p> <p>2 then Gene Soult. I understand Mr. Soult's a</p> <p>3 witness in this case. Is he assisting in some</p> <p>4 way in the legal proceedings?</p> <p>5 MR. LIGHTSEY: He's our person who</p> <p>6 is participating in the NND, but, yeah, I mean,</p> <p>7 we consult with him. I mean, that's where it's</p> <p>8 at.</p> <p>9 MR. CHALLY: Okay. So is his</p> <p>10 attendance necessary for the ORS to, I don't</p> <p>11 know, to complete its defense of the deposition?</p> <p>12 MR. LIGHTSEY: Not specifically</p> <p>13 for the deposition but I think it is necessary</p> <p>14 for the prosecution of the PSC matter.</p> <p>15 MR. CHALLY: Okay. Okay.</p> <p>16 Mr. Soult, all I would ask, I am aware of the</p> <p>17 fact that you also listened in to Carlette</p> <p>18 Walker's deposition, and that during that</p> <p>19 deposition, Gary Jones was in your office and</p> <p>20 listened to portions of it as well.</p> <p>21 We need to make sure that our</p> <p>22 record is clear as to who is listening in and the</p> <p>23 reasons why they're listening in. So if it</p> <p>24 happens to be that someone else enters into your</p> <p>25 office or Mr. Jones enters your office, and there</p>	11	<p>1 Q. Let me go over some ground rules. We are</p> <p>2 here to take a written record of everything that</p> <p>3 happens while we are on the record. So the court</p> <p>4 reporter is taking down everything that we say, and</p> <p>5 as you have seen, we also have a video record of the</p> <p>6 proceedings today.</p> <p>7 I'm here to ask questions and you're here to</p> <p>8 answer those questions, and because, in part, the</p> <p>9 court reporter is taking down everything we say, we</p> <p>10 need to try to work together a little bit to not talk</p> <p>11 over each other. So that I will do my best to let</p> <p>12 you complete your answer before I begin my next</p> <p>13 question, and I'd appreciate it if you'd do the same</p> <p>14 thing, do your best to let me complete my question</p> <p>15 before you begin your answer. Okay?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. It's also important that you</p> <p>18 give oral responses to questions, so a nod of the</p> <p>19 head or uh-huh nor huh-uh don't come across on a</p> <p>20 transcript very well. Yes or no or audible answers</p> <p>21 is important. Okay?</p> <p>22 A. Yes, sir.</p> <p>23 Q. All right. If at any time throughout the</p> <p>24 day you need a break, tell me, we'll take a break. I</p> <p>25 only ask that we not take a break if there is a</p>
10	<p>1 is another person listening into the line, I</p> <p>2 would appreciate it if you would announce that to</p> <p>3 us so that we can make sure the record is clear.</p> <p>4 MR. SOULT: I certainly will. But</p> <p>5 Mr. Jones was not in my office when I was</p> <p>6 actually listening to it. We were having lunch,</p> <p>7 he walked by, and so I wasn't listening to it at</p> <p>8 the time.</p> <p>9 MR. CHALLY: Okay. All right.</p> <p>10 Madame Court Reporter, can you swear the witness,</p> <p>11 please.</p> <p>12 - - -</p> <p>13 DUKES SCOTT,</p> <p>14 being first duly sworn, testified as follows:</p> <p>15 - - -</p> <p>16 EXAMINATION</p> <p>17 BY MR. CHALLY:</p> <p>18 Q. Good morning, Mr. Scott. My name is Jon</p> <p>19 Chally. We met just before your deposition began.</p> <p>20 Can you state your name for the record, please.</p> <p>21 A. It's Charles Dukes Scott.</p> <p>22 Q. Have you ever given a deposition before?</p> <p>23 A. No, sir.</p> <p>24 Q. "No, sir," is that what you said?</p> <p>25 A. No, sir.</p>	12	<p>1 question pending. And I'm sure your attorney and the</p> <p>2 attorneys for the Office of Regulatory Staff are</p> <p>3 familiar with the South Carolina Rules that limit the</p> <p>4 circumstances under which you can seek advice or</p> <p>5 discuss the substance of the deposition with</p> <p>6 attorneys representing you here today. Okay?</p> <p>7 A. Yes, sir.</p> <p>8 Q. All right. So the last instruction, or see</p> <p>9 if we can reach an agreement on, if at any time you</p> <p>10 don't understand one of my questions, tell me, and I</p> <p>11 will do my best to rephrase that question. Okay?</p> <p>12 A. Yes.</p> <p>13 Q. But if you answer my question and don't tell</p> <p>14 me that you failed to understand, can we have an</p> <p>15 agreement that you fairly understood my question</p> <p>16 sufficient so that you could form an answer to it; is</p> <p>17 that okay?</p> <p>18 A. Yes, sir.</p> <p>19 MR. CHALLY: Who just joined?</p> <p>20 MR. GALVIN: Greg Galvin.</p> <p>21 BY MR. CHALLY:</p> <p>22 Q. Mr. Scott, are you currently taking any</p> <p>23 medication that impact your memory?</p> <p>24 A. I am taking medications. I don't know -- I</p> <p>25 don't know -- they do seem to, you know, to -- my</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

13	<p>1 wife says that I knew about stuff that I don't</p> <p>2 remember knowing about but I don't know that that's</p> <p>3 the reason, but I am taking medications. I did not</p> <p>4 take them this morning.</p> <p>5 Q. What medications are they?</p> <p>6 A. I started to bring that list but didn't. I</p> <p>7 have been to -- I have been taking cholesterol</p> <p>8 medicine. I am back on blood pressure medicine, I am</p> <p>9 taking -- and I hate to say this because I kind of</p> <p>10 beat it to death before, but I am taking a Xanax, I</p> <p>11 think it's a generic, a substitute to Xanax, but it's</p> <p>12 the same stuff -- I started to bring that list. I'm</p> <p>13 taking something, I think it starts with a T, at</p> <p>14 bedtime to help me sleep. I have got -- I think it's</p> <p>15 an anti -- I can't remember the names of them but I</p> <p>16 think it's an anti-anxiety medication. And then</p> <p>17 there is -- there is another pill that's been</p> <p>18 prescribed, you know, blood pressure medicine, and</p> <p>19 then I take a cholesterol medicine. So right now, I</p> <p>20 think there is six prescriptions.</p> <p>21 Q. So I think you said you're taking a --</p> <p>22 beyond the blood pressure and cholesterol medication,</p> <p>23 you said you're talking a sleeping pill; is that</p> <p>24 right?</p> <p>25 A. I don't know whether you call it a sleeping</p>	15	<p>1 Q. So when was the last time you took a Xanax?</p> <p>2 A. I think that would be -- I didn't take it</p> <p>3 last night, I think I did take it the night before.</p> <p>4 Q. Did you take just one that day before then?</p> <p>5 A. Yes, sir.</p> <p>6 Q. You also said that you were on an additional</p> <p>7 or another anti-anxiety medication. What was that?</p> <p>8 A. I don't know what the name of it is.</p> <p>9 Q. How often are you prescribed to take that</p> <p>10 medication?</p> <p>11 A. Well, there's one I take every day, once a</p> <p>12 day. I didn't take this morning. There is -- I</p> <p>13 think we have talked about the Xanax or the Xanax</p> <p>14 substitute. There is one pill that I take up to</p> <p>15 three times a day, but I have tried to stay off of</p> <p>16 that one a little bit. I haven't taken that in the</p> <p>17 last, I can't remember the last time.</p> <p>18 Q. So is this the anti -- the pill that you</p> <p>19 have not taken for some amount of time that you are</p> <p>20 prescribed to take up to three times a day, is this</p> <p>21 the additional anti-anxiety medication?</p> <p>22 A. I think so, sir. You know, the doctor goes</p> <p>23 over them, but they have got names about, you know,</p> <p>24 yay long. But there's been -- there's four of them,</p> <p>25 and then the blood pressure medicine and then the</p>
14	<p>1 pill but the doctor gave it to me to help me sleep,</p> <p>2 and I take it at bedtime.</p> <p>3 Q. Did you take it yesterday evening?</p> <p>4 A. I did.</p> <p>5 Q. Did you take one of those pills yesterday</p> <p>6 evening or was it multiple?</p> <p>7 A. No, it's one. It's a pretty heavy dosage,</p> <p>8 but it's one.</p> <p>9 Q. And as prescribed, you took it yesterday?</p> <p>10 A. As prescribed, yes.</p> <p>11 Q. And then you said you were also on a Xanax;</p> <p>12 is that correct?</p> <p>13 A. It's a Xanax substitute, but, yes.</p> <p>14 Q. Did you take that Xanax yesterday?</p> <p>15 A. No, sir.</p> <p>16 Q. Did you take that Xanax today?</p> <p>17 A. No, sir.</p> <p>18 Q. How often are you prescribed to take that</p> <p>19 particular medication?</p> <p>20 A. Well, the prescription says -- the</p> <p>21 prescription says up to three a day as needed, take</p> <p>22 one a day up to three times a day as needed. I'm</p> <p>23 trying to limit it to just at night.</p> <p>24 Q. Just at night?</p> <p>25 A. Yes.</p>	16	<p>1 cholesterol medicine.</p> <p>2 Q. So I apologize for belaboring the point, but</p> <p>3 you said there were four. So I have a sleeping pill,</p> <p>4 a Xanax, an anti-anxiety pill. Is there another pill</p> <p>5 that you're taking that is not for cholesterol or</p> <p>6 blood pressure?</p> <p>7 A. Yes, sir?</p> <p>8 Q. And what's your understanding of the purpose</p> <p>9 of that pill?</p> <p>10 A. Well, there is the one at bedtime, there is</p> <p>11 one every morning that I take every morning, there is</p> <p>12 one up to three times a day, and then -- I can't, I</p> <p>13 can't remember. There is the Xanax substitute, there</p> <p>14 is a pink pill that's up to three times a day, there</p> <p>15 is one every day, and then there is one at bedtime;</p> <p>16 those are the four.</p> <p>17 Q. And you -- it's your understanding that</p> <p>18 those that -- putting aside the sleeping pill, the</p> <p>19 other three pills are of anti-depressant or</p> <p>20 anti-anxiety form?</p> <p>21 A. Yes, that's my understanding. Now, I'm a</p> <p>22 little concerned about swearing to it because, you</p> <p>23 know, the doctor goes through all that stuff, but --</p> <p>24 Q. Okay. Is it one physician that has</p> <p>25 prescribed these medications?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

17	<p>1 A. Oh, yes, sir.</p> <p>2 Q. What's the name of that physician?</p> <p>3 A. He is -- I had to switch because Dr. Heit</p> <p>4 retired. He's with the Three Rivers Medical on</p> <p>5 Forest Drive. I will have to find it.</p> <p>6 Q. That's okay. The practice is Three Rivers</p> <p>7 Medical?</p> <p>8 A. Three Rivers on Forest Drive in the -- in</p> <p>9 that glass-looking building. I don't know whether</p> <p>10 you're familiar with it.</p> <p>11 Q. Okay. Even considering the medications that</p> <p>12 you have been taking periodically, is there anything</p> <p>13 that you're aware of that would prevent you from</p> <p>14 giving true and complete testimony during your</p> <p>15 deposition today?</p> <p>16 A. I don't know of anything.</p> <p>17 Q. Do you have any concern that this medication</p> <p>18 you're taking is somehow impacting your memory?</p> <p>19 A. I don't know the answer to that.</p> <p>20 Q. You have said that you indicated your wife</p> <p>21 thought that the medication may be impacting your</p> <p>22 memory?</p> <p>23 A. She didn't think it's the medication; I</p> <p>24 think she might think it's old age.</p> <p>25 Q. Fair enough.</p>	19	<p>1 Service Commission related to the abandonment of the</p> <p>2 project?</p> <p>3 A. I am aware.</p> <p>4 Q. Are you aware of the fact that that</p> <p>5 proceeding is being live-streamed over the internet?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Have you watched any of the proceedings?</p> <p>8 A. No, sir.</p> <p>9 Q. Have you talked to anyone who has described</p> <p>10 to you the substance of the proceedings?</p> <p>11 A. The only people that I have talked to is</p> <p>12 the -- my attorneys.</p> <p>13 Q. Okay. And your attorney, who specifically?</p> <p>14 A. Well, it would be Wells and Matthew</p> <p>15 Richardson and Wallace Lightsey and Nanette.</p> <p>16 Q. Have you reviewed any pleadings or filings</p> <p>17 that have been asserted or filed in the Public</p> <p>18 Service Commission?</p> <p>19 A. The only filing that I have reviewed was the</p> <p>20 Interrogatories that SCE&G sent to ORS because some</p> <p>21 of it related to, you know, things that I would have</p> <p>22 knowledge. I have not reviewed the responses to it,</p> <p>23 but I haven't looked at any testimony or -- no, sir.</p> <p>24 Q. Did you provide input to the Interrogatory</p> <p>25 Responses?</p>
18	<p>1 A. But I'm supposed to know things that I don't</p> <p>2 remember her telling me.</p> <p>3 Q. All right. So other than that, do you have</p> <p>4 any reason to believe this medication or other</p> <p>5 circumstances are impacting your ability to recall</p> <p>6 past events?</p> <p>7 A. I don't think the medication is.</p> <p>8 Q. Okay.</p> <p>9 A. But I don't -- you know, I don't know</p> <p>10 because --</p> <p>11 Q. Fair enough. So, Mr. Scott, what is your</p> <p>12 residence address?</p> <p>13 A. 6413 Pinefield Road, Columbia, 29206.</p> <p>14 Q. How long have you lived at that address?</p> <p>15 A. Forty years, it's 40 years in August.</p> <p>16 Q. Mr. Scott, you're familiar with some of the</p> <p>17 proceedings that have brought us here today, and</p> <p>18 specifically, are you familiar -- you're familiar,</p> <p>19 are you not, with proceedings pending before the</p> <p>20 Public Service Commission related to the abandonment</p> <p>21 of the V.C. Summer nuclear project?</p> <p>22 A. I'm not -- I know there's one going on, but</p> <p>23 I am not following it.</p> <p>24 Q. So you're aware, are you not, that there is,</p> <p>25 even as we speak, a hearing ongoing before the Public</p>	20	<p>1 A. Yes, sir.</p> <p>2 Q. And you provided that input to counsel for</p> <p>3 the Office of Regulatory Staff?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Have you reviewed any depositions that have</p> <p>6 been taken in the matter?</p> <p>7 A. No, sir.</p> <p>8 Q. Outside of discussions with lawyers, have</p> <p>9 you had any discussions with ORS staff members</p> <p>10 regarding any of the proceedings?</p> <p>11 A. Outside the lawyers?</p> <p>12 Q. Yes, sir.</p> <p>13 A. No, sir.</p> <p>14 Q. Have you had discussions with any members of</p> <p>15 the general --</p> <p>16 A. I say no, sir, but to my memory, I don't.</p> <p>17 You know, everything is subject to memory. I don't</p> <p>18 remember having a conversation with the staff member</p> <p>19 about the proceedings. The filing was made January</p> <p>20 the 12th for this proceeding.</p> <p>21 Now, I say that -- now, I may have had</p> <p>22 conversations about our -- not our -- ORS's filing of</p> <p>23 September the 26. Between then and January the 15th,</p> <p>24 I have had no discussions about the filing with</p> <p>25 anybody since -- with staff members since January the</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

21	<p>1 15th and probably earlier than that because I took</p> <p>2 annual leave about 30 days before January the 15th.</p> <p>3 Q. So January the 15th is the date of your</p> <p>4 retirement from the ORS; is that right?</p> <p>5 A. Well -- and I don't want to get technical</p> <p>6 with you but I want to be clear. My retirement from</p> <p>7 the state actually, if you look at my state</p> <p>8 retirement record, it's going to show 2010 is when I</p> <p>9 retired. Go through the tier program, then you can</p> <p>10 be reappointed. So January 15th is when I officially</p> <p>11 separated for the last time from ORS.</p> <p>12 Q. So from January 15th to today, have you had</p> <p>13 any discussions with any member of the General</p> <p>14 Assembly regarding the proceedings before the Public</p> <p>15 Service Commission?</p> <p>16 A. I don't think so.</p> <p>17 Q. Okay.</p> <p>18 A. Not that I can remember having.</p> <p>19 Q. Following January 15 and through today, have</p> <p>20 you had any discussions with any member of the</p> <p>21 General Assembly related to the V.C. Summer Nuclear</p> <p>22 project?</p> <p>23 A. I don't remember having one. That doesn't</p> <p>24 mean I didn't, but I don't remember having one.</p> <p>25 Q. Following January 15 until today, have you</p>	23	<p>1 recall mentioning the Bechtel report to me at all,</p> <p>2 and I -- my memory is different than that.</p> <p>3 Q. Okay. What is your memory?</p> <p>4 A. My memory is that in some conversation, it</p> <p>5 might not necessarily be about the V.C. Summer</p> <p>6 particularly, but Mike and I worked closely together</p> <p>7 on a lot of issues, and what I thought he asked me at</p> <p>8 some point was has my -- has anybody on the staff</p> <p>9 mentioned to me about a Bechtel report. My response</p> <p>10 was no.</p> <p>11 Now, this is -- this is my memory, and I</p> <p>12 understand I think it's different than Mr. Couick's,</p> <p>13 but there is a difference in memory, not -- and as I</p> <p>14 recall, as I recall it, and this is just me recalling</p> <p>15 it, I can't say this is a fact, it's just as I recall</p> <p>16 it, I asked Ms. Powell about it, and she said that --</p> <p>17 she did ask about it, and they told him it was an</p> <p>18 oral report, is my memory.</p> <p>19 And then it seems to me that in another</p> <p>20 gathering with Mike and Ms. Powell, he asked her</p> <p>21 about it again and her answer was pretty consistent;</p> <p>22 said that they said it was an oral report and a --</p> <p>23 what do you call those presentations on the computer?</p> <p>24 Q. Power Point?</p> <p>25 A. Power Point presentation.</p>
22	<p>1 had any discussions with Mike Couick related to V.C.</p> <p>2 Summer Nuclear project?</p> <p>3 A. Yes, sir.</p> <p>4 Q. What were those discussions?</p> <p>5 A. They weren't -- they weren't involved, but I</p> <p>6 ran into Mike other places. I don't remember any</p> <p>7 real substance, but I know V.C. Summer has come up,</p> <p>8 for example, I think I was out there for another kind</p> <p>9 of meeting, and he told me about the Interrogatories.</p> <p>10 Q. And when you say "Interrogatories," you mean</p> <p>11 Interrogatories that the SCE&G sent?</p> <p>12 A. SCE&G sent, right, yeah.</p> <p>13 Q. What do you recall him saying about the</p> <p>14 Interrogatories?</p> <p>15 A. He said they're concerned about a Bechtel</p> <p>16 report.</p> <p>17 Q. That the Interrogatories concerned the</p> <p>18 Bechtel report?</p> <p>19 A. That's what he told me, yes, sir.</p> <p>20 Q. What else do you discuss about the --</p> <p>21 A. That was about it.</p> <p>22 Q. Did you discuss with Mr. Couick in this</p> <p>23 meeting information that either Mr. Couick had or you</p> <p>24 had related to the Bechtel report?</p> <p>25 A. What he told me was that -- that he didn't</p>	24	<p>1 Q. So your memory is Ms. Allyn Powell informed</p> <p>2 Mike Couick at some point that Bechtel had provided a</p> <p>3 Power Point presentation to the owners; is that</p> <p>4 right?</p> <p>5 A. I thought it was -- I thought -- now, this</p> <p>6 is tough because I'm going by memory, but my memory</p> <p>7 was that she said that it was a presentation to the</p> <p>8 board.</p> <p>9 Q. To the board of whom or what?</p> <p>10 A. SCANA.</p> <p>11 Q. Just SCANA?</p> <p>12 A. Yeah. I don't know about Santee Cooper. I</p> <p>13 don't know whether they -- I'm sure, probably did,</p> <p>14 but we wouldn't know.</p> <p>15 Q. So you discussed with Mike Couick, after you</p> <p>16 left the ORS, the fact that you specifically recalled</p> <p>17 Allyn Powell informing Mike Couick that Bechtel had</p> <p>18 given to the board of SCANA a Power Point</p> <p>19 presentation regarding its assessment; is that right?</p> <p>20 A. That wasn't since January 15. That wasn't</p> <p>21 the conversation that we talked about.</p> <p>22 Q. I understand that you and Ms. Powell's</p> <p>23 conversation with Mr. Couick predated your</p> <p>24 conversation with Mr. Couick.</p> <p>25 MR. LIGHTSEY: Excuse me. I want</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right; margin-right: 50px;">25</p> <p>1 to interpose an objection to the extent that any</p> <p>2 of these discussions involved attorneys for ORS,</p> <p>3 I would object on the grounds of attorney-client</p> <p>4 privilege and the common interest to bring</p> <p>5 them -- I'm not sure if they did or not. If they</p> <p>6 didn't, I'm not objecting, but --</p> <p>7 THE WITNESS: Well, Ms. Edwards</p> <p>8 was present at the one I'm talking about.</p> <p>9 MR. LIGHTSEY: Okay. Well, I</p> <p>10 object on the grounds of attorney-client</p> <p>11 privilege and instruct the witness not to answer,</p> <p>12 especially if it's about the substance of that</p> <p>13 communication.</p> <p>14 THE WITNESS: We was standing</p> <p>15 outside the co-op thing. Ms. Edwards was there.</p> <p>16 BY MR. CHALLY:</p> <p>17 Q. And you understand Ms. Edwards is the</p> <p>18 executive director of the Office of Regulatory Staff?</p> <p>19 A. An attorney.</p> <p>20 Q. Did you understand her in that meeting for</p> <p>21 you personally to be serving as an attorney for the</p> <p>22 Office of Regulatory Staff or in her capacity as the</p> <p>23 executive director?</p> <p>24 A. I don't know whether I thought all that</p> <p>25 through. I think she certainly has an expectation</p>	<p style="text-align: right; margin-right: 50px;">27</p> <p>1 trying to come up with a solution regarding the cap</p> <p>2 on -- they call it a cap -- on the solar. Duke</p> <p>3 Energy Carolinas is admitting it's coming up against</p> <p>4 what they refer to as a cap. I'm not sure, but</p> <p>5 anyway, what they refer to as a cap. And that would</p> <p>6 have had to have been, I think that would have had to</p> <p>7 have been at that meeting.</p> <p>8 Q. And who else was in attendance at that</p> <p>9 meeting?</p> <p>10 A. Oh, goodness.</p> <p>11 Q. A good number of people?</p> <p>12 A. Yes, sir, it's a group. It's -- I mean</p> <p>13 it's -- I don't know. I mean, it's a group, I mean,</p> <p>14 you have got the Coastal -- what is it Coastal --</p> <p>15 Q. Coastal Conservation League?</p> <p>16 A. Conservation League, I think you've got the</p> <p>17 League of Women Voters, you have got representatives</p> <p>18 from AARP, Appleseed, you have got the utilities in</p> <p>19 there, sitting in there. It's a pretty -- it's a</p> <p>20 broad group trying to --</p> <p>21 Q. Is this discussion that you had with</p> <p>22 Mr. Couick and Ms. Edwards in the context of this</p> <p>23 broader meeting or was it a separate sidebar</p> <p>24 conversation?</p> <p>25 A. Separate, standing outside.</p>
<p style="text-align: right; margin-right: 50px;">26</p> <p>1 both ways of attorney.</p> <p>2 Q. Okay. And can you pinpoint any more</p> <p>3 precisely when this conversation with Mr. Couick was?</p> <p>4 A. I don't know whether I -- your statement</p> <p>5 wasn't accurate.</p> <p>6 Q. Okay.</p> <p>7 A. I didn't get into a discussion about Bechtel</p> <p>8 or what my view of Bechtel was with Mike. I just</p> <p>9 accepted what Mike said. I don't think I countered</p> <p>10 it. I don't recall countering it. The date that</p> <p>11 you're talking about --</p> <p>12 Q. Yes, sir.</p> <p>13 A. -- it would have had to have been after</p> <p>14 SCE&G served the Interrogatories. And I don't think</p> <p>15 this was the first set, I think it was a subsequent</p> <p>16 set. It would have had to have been after that when</p> <p>17 SCE&G served a set of Interrogatories on ORS and</p> <p>18 apparently on the Co-ops. I hadn't seen those.</p> <p>19 Q. What brought about this meeting between you</p> <p>20 and Mr. Couick and --</p> <p>21 A. We were at a meeting, and it could have been</p> <p>22 one of two subjects. One is, it could have been at a</p> <p>23 meeting, and probably was, that concerned the future</p> <p>24 of solar in South Carolina. I am just a volunteer</p> <p>25 that -- in fact, there's a meeting going on today,</p>	<p style="text-align: right; margin-right: 50px;">28</p> <p>1 Q. And do you know what brought about the</p> <p>2 separate sidebar conversation with Ms. Edwards and</p> <p>3 Mr. Couick?</p> <p>4 A. Did you just call it a desperate?</p> <p>5 Q. No. Separate.</p> <p>6 A. Separate. Okay. We were just standing</p> <p>7 outside, and somebody, you know, brought up the</p> <p>8 Interrogatories, and that's what prompted it. I</p> <p>9 don't know who brought it up. I don't think it was</p> <p>10 me.</p> <p>11 Q. Okay. At this time --</p> <p>12 A. We were just standing outside, you know, we</p> <p>13 were leaving.</p> <p>14 Q. At this time, after January 15 of 2018, did</p> <p>15 you understand the ORS to have a common interest</p> <p>16 agreement with the Electric Cooperatives of South</p> <p>17 Carolina?</p> <p>18 A. I don't know when I learned that, but I do</p> <p>19 know -- I do have information on that, yes, sir.</p> <p>20 Q. So you're aware of a written common interest</p> <p>21 agreement between the Office of Regulatory Staff and</p> <p>22 Electric Cooperatives of South Carolina?</p> <p>23 A. I'm what?</p> <p>24 Q. Are you aware of any written common interest</p> <p>25 agreement --</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

29	<p>1 A. I haven't seen a written common interest</p> <p>2 agreement. I don't know whether you put them in</p> <p>3 writing or whether you do it otherwise.</p> <p>4 Q. I asked you whether you're aware of a</p> <p>5 written common interest agreement between the Office</p> <p>6 of Regulatory Staff and the Electric Cooperatives of</p> <p>7 South Carolina.</p> <p>8 A. Nobody told me there was a written one, but</p> <p>9 my assumption would be that -- I don't know whether</p> <p>10 you're supposed to assume in particular now.</p> <p>11 Q. Had anyone ever told you there was any form</p> <p>12 of a written common interest agreement between the</p> <p>13 Office of Regulatory Staff and the Electric</p> <p>14 Cooperatives of South Carolina after January 15 of</p> <p>15 2018?</p> <p>16 A. I believe that would be -- I believe -- I</p> <p>17 never heard the word "written." I don't think</p> <p>18 anybody ever --</p> <p>19 Q. I wasn't asking you about a written one. I</p> <p>20 have already asked you about a written one,</p> <p>21 Mr. Scott.</p> <p>22 I'm asking whether anyone informed you after</p> <p>23 January 15 of 2018 that there was a written -- excuse</p> <p>24 me -- that there was an agreement of any kind between</p> <p>25 the Office of Regulatory Staff and The Electric</p>	31	<p>1 information regarding what the agreement contained.</p> <p>2 Q. Is it the ORS's position that there is a</p> <p>3 common interest agreement between the ORS and ECSC?</p> <p>4 MR. LIGHTSEY: That's my</p> <p>5 understanding.</p> <p>6 THE WITNESS: I'm sorry, I didn't</p> <p>7 hear.</p> <p>8 MR. LIGHTSEY: That's my</p> <p>9 understanding.</p> <p>10 BY MR. CHALLY:</p> <p>11 Q. Have you had, other than this conversation</p> <p>12 that involved Ms. Edwards, have you had any other</p> <p>13 discussions with Mike Couick since January 15 of 2018</p> <p>14 regarding the V.C. Summer Nuclear Project?</p> <p>15 A. I have got to think about that because I</p> <p>16 talk to Mike from time to time. I don't -- I don't</p> <p>17 recall any specifics. He did, at some point, and I</p> <p>18 don't know when it was, talking about this, the</p> <p>19 filing of Dominion, the last filing, and settlement</p> <p>20 type stuff, negotiations, that they wanted Nanette to</p> <p>21 give up the \$1,000 paycheck that --</p> <p>22 MR. LIGHTSEY: Again, I want to</p> <p>23 just object to the extent this discussion</p> <p>24 involved any attorneys for ORS, I would object on</p> <p>25 attorney-client privilege unless it was you and</p>
30	<p>1 Cooperatives of South Carolina that formed a common</p> <p>2 interest.</p> <p>3 A. I believe that -- I believe that's correct;</p> <p>4 I think it would have had to have been after</p> <p>5 January 15.</p> <p>6 Q. So someone informed you at some point that</p> <p>7 there was an agreement between the Office of</p> <p>8 Regulatory Staff and the Electric Cooperatives of</p> <p>9 South Carolina?</p> <p>10 A. I knew that. Now, you know, I knew there</p> <p>11 was a common interest agreement between the Office of</p> <p>12 Regulatory Staff and some of the other parties. I</p> <p>13 would have -- I would think that that would -- the</p> <p>14 other parties would include the Co-ops, but I</p> <p>15 don't -- I don't think it's limited to Co-ops.</p> <p>16 Q. Do you have any further understanding as to</p> <p>17 the terms --</p> <p>18 A. No, sir.</p> <p>19 Q. -- of this agreement?</p> <p>20 A. No, sir.</p> <p>21 Q. Do you have an understanding that the --</p> <p>22 this agreement applies specifically to issues</p> <p>23 associated with the abandonment of the V.C. Summer</p> <p>24 Nuclear project?</p> <p>25 A. I don't have any -- I don't have any</p>	32	<p>1 Mike.</p> <p>2 THE WITNESS: I think it was just</p> <p>3 me and Mike.</p> <p>4 BY MR. CHALLY:</p> <p>5 Q. Okay. So what do you recall from this</p> <p>6 discussion with Mr. Couick?</p> <p>7 A. Just that, he said that -- that the -- that</p> <p>8 Dominion wanted Nanette to give up the \$1,000,</p> <p>9 so-called \$1,000 -- I mean, that, you know, that</p> <p>10 that's what people are calling it.</p> <p>11 Q. And when was this conversation with</p> <p>12 Mr. Couick?</p> <p>13 A. It had to be after, right after the state</p> <p>14 fair.</p> <p>15 Q. The state fair?</p> <p>16 A. (Witness nodded head.)</p> <p>17 Q. When was the state fair?</p> <p>18 A. I don't know. But the reason I know that is</p> <p>19 that he said that they were handing out -- Dominion</p> <p>20 was handing out, you know, something at the fair</p> <p>21 indicating that they were going to go get \$1,000 and</p> <p>22 he mentioned that, that's why I know it was either</p> <p>23 during the fair or after the fair.</p> <p>24 Q. Any other discussion that you can recall?</p> <p>25 MR. CHALLY: Who just joined?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

33	<p>1 MR. SOLOMONS: John Gibson</p> <p>2 Solomons. I'm sorry for interrupting.</p> <p>3 MR. CHALLY: Hey, Gibson.</p> <p>4 BY MR. CHALLY:</p> <p>5 Q. Mr. Scott, any other discussions that you</p> <p>6 can recall with Mr. Couick from January 15, 2018, to</p> <p>7 the present regarding the V.C. Summer Nuclear</p> <p>8 Project?</p> <p>9 A. I can't -- I can't recall any.</p> <p>10 Q. Is it fair to say that you have regular</p> <p>11 discussions with Mr. Couick on a variety of topics?</p> <p>12 A. We had discussions -- the answer to that</p> <p>13 question is yes, sir.</p> <p>14 Q. You think you talk to him weekly at this</p> <p>15 point?</p> <p>16 A. No, sir.</p> <p>17 Q. Every couple of weeks?</p> <p>18 A. I don't know the answer to that. I don't</p> <p>19 know whether it's every couple of weeks but we do</p> <p>20 have conversations on other topics.</p> <p>21 Q. Do you know that Mike Couick was deposed in</p> <p>22 this case?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Did he talk to you about his deposition?</p> <p>25 A. He didn't talk to me about the substance of</p>	35	<p>1 I don't -- I don't think that -- I don't recall</p> <p>2 having one.</p> <p>3 Q. Okay.</p> <p>4 A. But I don't recall it. I don't have a</p> <p>5 memory of it.</p> <p>6 Q. Mr. Scott, let's just back up a second. Can</p> <p>7 you walk us through your educational background, tell</p> <p>8 us where you went to college.</p> <p>9 A. I went to Clemson University, and then I</p> <p>10 went to USC Law School.</p> <p>11 Q. What year did you graduate from Clemson?</p> <p>12 A. '71.</p> <p>13 Q. And then was it three years later you</p> <p>14 graduated from law school?</p> <p>15 A. 1974.</p> <p>16 Q. Prior to your role at the Office of</p> <p>17 Regulatory Staff, what positions have you held in</p> <p>18 South Carolina government?</p> <p>19 A. I was Administrative Law Judge. I was a</p> <p>20 Commissioner.</p> <p>21 Q. Is that a Commissioner with the Public</p> <p>22 Service Commission?</p> <p>23 A. Yes, sir. And I was Deputy Executive</p> <p>24 Director and Executive Assistant to the Commissions.</p> <p>25 I was -- various staff positions.</p>
34	<p>1 it. He told me y'all had taken his deposition.</p> <p>2 Q. What did he tell you about the deposition?</p> <p>3 A. That's it, that -- I don't recall him</p> <p>4 talking about the substance of the deposition. He</p> <p>5 just told me that they had taken his deposition.</p> <p>6 Q. Okay.</p> <p>7 A. That's what I remember.</p> <p>8 Q. Does Mr. Couick -- did you tell Mr. Couick</p> <p>9 that you're going to be deposed?</p> <p>10 A. He knows about it.</p> <p>11 Q. How do you know he knows about it?</p> <p>12 A. Well, I guess I don't know. I'm sorry about</p> <p>13 that, but I'm assuming -- Frank Ellerbe's firm's</p> <p>14 here, I'm sure that -- I would think he would know</p> <p>15 about that, but I don't know that I told him.</p> <p>16 Q. All right.</p> <p>17 A. I'm trying to be careful here because --</p> <p>18 Q. Oh, I understand. We want your complete</p> <p>19 memory, so --</p> <p>20 A. I'm just trying to go by the memory of this</p> <p>21 thing.</p> <p>22 Q. Okay. So you have never had a discussion</p> <p>23 with Mr. Couick about the fact that you are being</p> <p>24 deposed?</p> <p>25 A. I can't say that. I don't know that I have.</p>	36	<p>1 Q. You said you were Deputy Executive Director?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Of what?</p> <p>4 A. The Public Service Commission staff. I had</p> <p>5 various positions going back to Staff Attorney.</p> <p>6 Q. With the Public Service Commission?</p> <p>7 A. Yes, sir.</p> <p>8 Q. So when did you join the Public Service</p> <p>9 Commission?</p> <p>10 A. I went to work there in January of 1981.</p> <p>11 Q. What did you do from your graduation from</p> <p>12 law school to 1981?</p> <p>13 A. I practiced real estate. Mainly real</p> <p>14 estate; I practiced law.</p> <p>15 Q. In 1981, you joined the Public Service</p> <p>16 Commission as a Staff Attorney; am I right?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And then for how long were you employed by</p> <p>19 the Public Service Commission?</p> <p>20 A. Well, to that time, I was employed about</p> <p>21 four years. I left the Public Service Commission to</p> <p>22 start a practice with Mitch Willoughby, and Mitch and</p> <p>23 I were together about a year and a half and I had an</p> <p>24 opportunity to go back to Public Service Commission</p> <p>25 in 1986, I think it was July of 1986. I went back,</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">37</p> <p>1 and I stayed in various roles with the Public Service</p> <p>2 Commission until 1999, I believe it was, when I was</p> <p>3 Administrative Law Judge.</p> <p>4 Q. How long were you an Administrative Law</p> <p>5 Judge?</p> <p>6 A. Right at five years. I was elected -- I</p> <p>7 took office -- I took, I guess you would call it</p> <p>8 office or whatever, in June, I think I took it in</p> <p>9 June because I filled a vacant position for the</p> <p>10 remainder of the term of '99, and I went back to the</p> <p>11 Commission -- I mean I went to ORS July the 1st,</p> <p>12 2004.</p> <p>13 Q. So July the 1st, 2004, you joined the ORS;</p> <p>14 is that right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And then what was your position at the time</p> <p>17 you joined?</p> <p>18 A. Executive Director.</p> <p>19 Q. And you remained Executive Director through</p> <p>20 your separation, which was in January of 2018?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Isn't it true you were involved in the</p> <p>23 legislation that led to the creation of the Office of</p> <p>24 Regulatory Staff?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">39</p> <p>1 relationship since the time that you met; is that</p> <p>2 fair to say?</p> <p>3 A. Well, I don't know how long it took us to</p> <p>4 get to close. I met him in '84. But I would --</p> <p>5 description of "close," I don't know what you mean by</p> <p>6 "close," but we have had a relationship. I mean,</p> <p>7 when I decided to run for the Public Service</p> <p>8 Commission, I went and talked to Mike about it and</p> <p>9 so, you know, I don't want mince words with you but</p> <p>10 we've had a relationship.</p> <p>11 Q. All right. So you were the Executive</p> <p>12 Director of the ORS for almost 14 years; is that</p> <p>13 right?</p> <p>14 A. Well, not quite 14. I didn't make it to 14.</p> <p>15 Q. Why did you leave the Office of Regulatory</p> <p>16 Staff?</p> <p>17 A. Oh, wow. Speaker wanted -- Speaker asked</p> <p>18 me -- Speaker and Chairman of LCI asked that I</p> <p>19 resign.</p> <p>20 Q. What is LCI?</p> <p>21 A. Labor Commerce and Industry, Committee of</p> <p>22 the House.</p> <p>23 Q. So --</p> <p>24 A. So that -- I mean that -- you know, whether</p> <p>25 that's the sole -- I mean, I could go -- so they</p>
<p style="text-align: right;">38</p> <p>1 Q. What was your involvement with that</p> <p>2 legislation?</p> <p>3 A. Well, I didn't know it was going on, but I</p> <p>4 got a call from Mike Couick to come see him over</p> <p>5 there at his office. He was then Chief Counsel for</p> <p>6 the Senate Judiciary Committee. At that point in</p> <p>7 time, it was pretty well drafted, he was working</p> <p>8 really with, I think Nancy Koons and I think Eddie</p> <p>9 Felan was -- involvement with it, but I wasn't -- I</p> <p>10 did have input into it made suggestions to it.</p> <p>11 Q. The legislation that led to the creation of</p> <p>12 the Office of Regulatory Staff, you had input on</p> <p>13 that?</p> <p>14 A. Yes, sir, at 175.</p> <p>15 Q. Can you describe your relationship to Mike</p> <p>16 Couick? When did you first meet Mike?</p> <p>17 A. I think we first met in 1984.</p> <p>18 Q. All right. And you've been fairly close</p> <p>19 friends with Mike Couick; is that right?</p> <p>20 A. We're not personal friends in the sense that</p> <p>21 I go to his house for dinner and he comes to mine for</p> <p>22 dinner, but he's been a valued -- he's been a</p> <p>23 valued -- I don't know what you would call it -- but</p> <p>24 a valued person to me and my career.</p> <p>25 Q. Okay. So y'all have had a close work</p>	<p style="text-align: right;">40</p> <p>1 asked me to resign.</p> <p>2 Q. Sorry, just to make sure we have the time</p> <p>3 line right, when did Speaker Lucas ask you to resign?</p> <p>4 A. August 23rd, 2000, I guess it was '17. He</p> <p>5 wanted -- he told me I needed -- and it wasn't a bad</p> <p>6 conversation, but he wanted to talk, and I said I'll</p> <p>7 be gone by December 31st, which I didn't make it</p> <p>8 quite to December 31st but I announced it for</p> <p>9 December 31st.</p> <p>10 But the other thing is -- I mean, they said</p> <p>11 it was other factors involved, including personal,</p> <p>12 emotional health, physical health, family, it's just</p> <p>13 those types of issues played an important role as</p> <p>14 well.</p> <p>15 Q. So what prompted this meeting; was it an</p> <p>16 in-person meeting with the Speaker on August 23,</p> <p>17 2017?</p> <p>18 A. Yes, sir. You asked me if it was an</p> <p>19 in-person meeting?</p> <p>20 Q. I did?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What prompted this in-person meeting?</p> <p>23 A. Well, I was testifying before the House</p> <p>24 panel and apparently wasn't doing -- anyway. But</p> <p>25 testifying before the House panel, they took a break,</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

41	<p>1 Mr. Dennis came and got me and said the Speaker</p> <p>2 wanted to -- something. Anyway, whatever he said he</p> <p>3 said it, and he took me up to the Speaker's office.</p> <p>4 Q. You said Mr. Dennis?</p> <p>5 A. Patrick Dennis, yes, sir, he was something</p> <p>6 to the Speaker.</p> <p>7 Q. Okay.</p> <p>8 A. And went into the Speaker's office and the</p> <p>9 Chairman Senator was there, I don't remember the</p> <p>10 exact words but the gist of it was that they thought</p> <p>11 I should resign, and said December 31st. They were</p> <p>12 not mean at all, they were --</p> <p>13 Q. Did he describe to you why he thought you</p> <p>14 should resign?</p> <p>15 A. I don't think he did. I mean, you know,</p> <p>16 once the Speaker of the House and Chairman ask you --</p> <p>17 tell you you need to resign, you kind of lose your</p> <p>18 composure.</p> <p>19 Q. Did you -- okay. So what happened following</p> <p>20 that meeting?</p> <p>21 A. I was escorted out of the Blount building</p> <p>22 and --</p> <p>23 Q. Did you have an understanding as to what</p> <p>24 prompted the Speaker to tell you to resign?</p> <p>25 A. I don't think so. I mean, I don't think I</p>	43	<p>1 Q. So when was your -- when did you meet with</p> <p>2 the governor, as you just described?</p> <p>3 A. Immediately after. I got called -- somehow</p> <p>4 the word gets out, I mean, it got out before the</p> <p>5 Sargent of Arms escorted me out of the building</p> <p>6 through the back way, I guess you call it, or the</p> <p>7 side way, and that's when I met with, I believe -- I</p> <p>8 think it was the governor -- I think I met with the</p> <p>9 governor himself.</p> <p>10 Q. So you went straight from the Speaker's</p> <p>11 office to the Governor's office?</p> <p>12 A. I got called to go to the Governor's office.</p> <p>13 I didn't just go there. But, yes, I don't think I</p> <p>14 left the State House grounds before I was in the</p> <p>15 Governor's office.</p> <p>16 Q. So you go to the Governor's office and you</p> <p>17 tendered your resignation to the Governor; is that</p> <p>18 right?</p> <p>19 A. Not a written one, but they said it didn't</p> <p>20 require a written one.</p> <p>21 Q. So you said orally to the Governor, I am</p> <p>22 willing to resign?</p> <p>23 A. Something to that -- well, I think I said</p> <p>24 that to his Chief Counsel.</p> <p>25 Q. What do you recall about that conversation</p>
42	<p>1 did. You know, just thought it was best if I</p> <p>2 resigned that -- he said that there was some, you</p> <p>3 know, other House members that thought I should</p> <p>4 resign and -- but, I mean, he didn't give me a list</p> <p>5 of things I had done wrong.</p> <p>6 Q. Did you talk with Mr. Couick about the</p> <p>7 Speaker's request?</p> <p>8 A. Yes, at some point in time, I'm sure I did.</p> <p>9 Q. What do you recall about that discussion?</p> <p>10 A. Nothing, I don't recall anything. I mean,</p> <p>11 it was -- I'm sure I talked to him about it. But I</p> <p>12 got a call from the governor's office before I left.</p> <p>13 You know, this was a traumatic time. I knew it was</p> <p>14 going to be probably front page news, and I think it</p> <p>15 was, about it, and I've got family, you've got</p> <p>16 consideration about pass it to your family and that</p> <p>17 sort of thing. I'm sure I had discussions about the</p> <p>18 resignation issue. I don't recall the substance of</p> <p>19 it.</p> <p>20 Q. Did you agree with the Speaker's instruction</p> <p>21 that you resign?</p> <p>22 A. I don't know that I agreed, but I did go to</p> <p>23 the governor's office and offer to resign based on</p> <p>24 him. The governor didn't accept the resignation at</p> <p>25 that point in time.</p>	44	<p>1 beyond what you said?</p> <p>2 A. I said I need to offer my resignation, and</p> <p>3 she said we don't require written resignations and we</p> <p>4 don't accept it or reject it or whatever, but -- see,</p> <p>5 the Governor is -- the Governor is the one that can</p> <p>6 fire the Executive Director, I guess you could say,</p> <p>7 so -- but they didn't want to take -- they did not</p> <p>8 take it at that point in time.</p> <p>9 Q. So the Governor did not take your</p> <p>10 resignation at that time?</p> <p>11 A. His staff, one or the other, I think it</p> <p>12 was -- I think it was his staff, Ms. Taylor.</p> <p>13 Q. So did you have a specific conversation with</p> <p>14 the Governor?</p> <p>15 A. I had that on the way out.</p> <p>16 Q. Okay.</p> <p>17 A. But I don't -- I don't -- you know, I think,</p> <p>18 at that point, I think it was in the press that he</p> <p>19 would not accept the resignation. I don't think -- I</p> <p>20 think it was the next day or so. The Speaker -- this</p> <p>21 was on a Wednesday, and the Speaker told me to do it</p> <p>22 by Friday so I needed to do it by Friday. But I</p> <p>23 think it was in the paper, and that could be</p> <p>24 verified, I mean, that she wasn't going to accept the</p> <p>25 resignation.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

45	<p>1 Q. So then what transpired following that</p> <p>2 point?</p> <p>3 A. I mean, I don't know what you mean by what</p> <p>4 "transpired."</p> <p>5 Q. What transpired that led you to ultimately</p> <p>6 decide to resign?</p> <p>7 A. Oh, between that --</p> <p>8 Q. You have the Speaker -- let me finish my</p> <p>9 question.</p> <p>10 A. I'm sorry.</p> <p>11 Q. You have the Speaker who is indicating that</p> <p>12 you should resign. The Governor is the only one who</p> <p>13 can formally accept that resignation. The Governor</p> <p>14 tells you he doesn't want you to resign, but then</p> <p>15 some point shortly thereafter you do in fact decide</p> <p>16 to resign. So what transpired to lead to that</p> <p>17 result?</p> <p>18 A. Well, again, the legislative session was</p> <p>19 coming back in. I felt that I would be -- I felt</p> <p>20 that my continued employment wouldn't be good for the</p> <p>21 ORS. I mean, if you have got -- if you've got -- if</p> <p>22 you don't have the support of the Chairman of the LCI</p> <p>23 Committee, who is also Vice Chairman of the Public</p> <p>24 Utility Review Committee, you don't have the support</p> <p>25 of the Speaker. I thought I would be a detriment.</p>	47	<p>1 Q. That's fine. But eventually you decided,</p> <p>2 notwithstanding what the Governor had suggested, it</p> <p>3 was appropriate for you to resign?</p> <p>4 A. And I took it, right.</p> <p>5 Q. And then you informed the Governor of that</p> <p>6 fact?</p> <p>7 A. I talked to Ms. Taylor and I told her I had</p> <p>8 to go.</p> <p>9 Q. And what explanation did you provide to</p> <p>10 Ms. Taylor as to why you needed to go?</p> <p>11 A. Similar to -- I guess similar to what I just</p> <p>12 told you.</p> <p>13 Q. And part of that was you didn't think that</p> <p>14 you would be effective in a dispute with SCE&G; is</p> <p>15 that right?</p> <p>16 A. No, sir. I don't know about "effective."</p> <p>17 It's just -- it would be hard to, you know, it would</p> <p>18 be difficult to go through this. I didn't think it</p> <p>19 wouldn't be effective, no.</p> <p>20 Q. When you say it would be hard to go through,</p> <p>21 what do you mean?</p> <p>22 A. Well, I don't know how to explain it. It</p> <p>23 would just be, I mean, a difficult task to go through</p> <p>24 and also, you know, I had great -- at one time, I had</p> <p>25 great respect for SCE&G and SCANA.</p>
46	<p>1 But there was more to it than that. The</p> <p>2 whole thing was so traumatic that I was afraid it was</p> <p>3 affecting my mental health, my physical health, it</p> <p>4 was affecting my wife, Judy, it was just a traumatic</p> <p>5 time. I wasn't being productive at work anymore</p> <p>6 and -- I wasn't being productive at work, I guess I</p> <p>7 should say.</p> <p>8 And I just -- and I felt like by then also</p> <p>9 that, you know, there was going to be a dispute with</p> <p>10 SCE&G. I have always worked closely with SCE&G, and</p> <p>11 I couldn't, I don't know how I would handle going</p> <p>12 through the cases at this point in time. So there</p> <p>13 was a lot of things.</p> <p>14 But very clearly in my mind was that you</p> <p>15 know, the Speaker had always been nice to me and good</p> <p>16 to me, and he thought I should go, you know, that</p> <p>17 certainly weighed on. And also probably attributed</p> <p>18 to the mental health issue, the physical, I quit</p> <p>19 exercising, I mean, I quit doing things that I did to</p> <p>20 maintain my health and stuff. So it was a lot of</p> <p>21 things that were going on in my mind at that time.</p> <p>22 Q. So the Speaker never recanted his</p> <p>23 recommendation to you that you resign?</p> <p>24 A. No, sir. He didn't call me up every day and</p> <p>25 tell me -- I'm sorry, I interrupted you.</p>	48	<p>1 Q. Okay. "Hard," do you mean hard emotionally</p> <p>2 on you?</p> <p>3 A. Oh, yes.</p> <p>4 Q. When you're using the word "hard," that's</p> <p>5 what you're referring to?</p> <p>6 A. Yeah, in terms of emotionally on me. I'm</p> <p>7 not talking about anything else.</p> <p>8 Q. Did anyone on the ORS staff tell you that</p> <p>9 you should resign?</p> <p>10 A. No, sir, I don't think so. I don't remember</p> <p>11 anybody telling me that.</p> <p>12 Q. Did any member of the Public Service</p> <p>13 Commission tell you that you should resign?</p> <p>14 A. No, sir, I don't think so.</p> <p>15 Q. Did anyone affiliated with the Public</p> <p>16 Service Commission tell you you should resign?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Did you inform anyone affiliated with the</p> <p>19 Public Service Commission the Speaker had told you</p> <p>20 you should resign?</p> <p>21 A. I mean, it was in the paper, so they knew</p> <p>22 about it.</p> <p>23 Q. But did you have a discussion with anyone</p> <p>24 affiliated with the Public Service --</p> <p>25 A. I had a discussion with Commissioner</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

49	<p>1 Flemming right after that.</p> <p>2 Q. What did Commissioner Flemming inform you?</p> <p>3 A. She didn't say you should resign, I mean --</p> <p>4 Q. What did you discuss?</p> <p>5 A. I just told her that what the Speaker had</p> <p>6 said and the Governor hadn't accepted it, but I don't</p> <p>7 remember the substance of the conversation. She was</p> <p>8 very kind, but she didn't say you need to resign.</p> <p>9 Q. When did you actually stop working for the</p> <p>10 Office of Regulatory Staff?</p> <p>11 A. Depends on who you ask that question, I</p> <p>12 guess. In the sense of being employed there or in</p> <p>13 the sense --</p> <p>14 Q. I know you separated from the ORS in January</p> <p>15 of 2018. I want to know when you stopped having any</p> <p>16 active duties or responsibilities with the Office of</p> <p>17 Regulatory Staff.</p> <p>18 A. Well, I was -- I continued to be responsible</p> <p>19 for it to January 15. I became very inactive. I</p> <p>20 think I became inactive and put a big burden on the</p> <p>21 staff shortly after August with the Speaker. And the</p> <p>22 abandonment.</p> <p>23 Now, I believe that I was on annual leave</p> <p>24 from December the 15th to January the 15th. It could</p> <p>25 be that I would go down there periodically; but</p>	51	<p>1 firm as outside counsel on matters related to</p> <p>2 project?</p> <p>3 A. No, sir.</p> <p>4 Q. You were not?</p> <p>5 A. No, sir, I wasn't with them.</p> <p>6 Q. So you understand that that occurred after</p> <p>7 your departure from the Office of Regulatory Staff?</p> <p>8 A. That's my understanding, I mean.</p> <p>9 Q. Are you familiar with the circumstances that</p> <p>10 led the Office of Regulatory Staff to engage the</p> <p>11 Wyche firm?</p> <p>12 A. I mean, I know they had a big case going on</p> <p>13 and those circumstances.</p> <p>14 Q. Other than that, are you in any way familiar</p> <p>15 with the circumstances that led the Office of</p> <p>16 Regulatory Staff to engage the Wyche firm?</p> <p>17 A. I think I suggested it.</p> <p>18 Q. Who did you suggest that to?</p> <p>19 A. Ms. Edwards.</p> <p>20 Q. Is this the first time that the Office of</p> <p>21 Regulatory Staff had ever hired outside counsel to</p> <p>22 handle a matter pending before the Public Service</p> <p>23 Commission?</p> <p>24 A. Matter pending before the Public Service</p> <p>25 Commission? To my knowledge, I can't remember</p>
50	<p>1 active, I was pretty much on annual leave.</p> <p>2 Q. You were going to the Office of Regulatory</p> <p>3 Staff, but from this time of August 23 through</p> <p>4 December of mid-December of 2017; is that right?</p> <p>5 A. Well, I wasn't going every day, but -- and I</p> <p>6 think I took an extended time at Thanksgiving.</p> <p>7 Q. But you maintained your responsibility and</p> <p>8 your role as Executive Director of the Office of</p> <p>9 Regulatory Staff at that time?</p> <p>10 A. I retained the position of Executive</p> <p>11 Director which, to me, would make -- I mean, I would</p> <p>12 still be responsible.</p> <p>13 Q. So were you informed of decisions that the</p> <p>14 Office of Regulatory Staff was making during that</p> <p>15 time frame?</p> <p>16 A. I would -- I mean, I don't remember that,</p> <p>17 but I would think that -- that there were -- they</p> <p>18 were informing me, but I don't remember specific.</p> <p>19 Q. And your approval saw if there were specific</p> <p>20 things needed for the Office of Regulatory Staff</p> <p>21 during that time?</p> <p>22 A. I don't recall there being that discussion,</p> <p>23 but that doesn't mean there wasn't one.</p> <p>24 Q. Were you still with the Office of Regulatory</p> <p>25 Staff when it made the decision to hire the Wyche</p>	52	<p>1 another time.</p> <p>2 Q. When did you suggest to Ms. Edwards that</p> <p>3 they hire the Wyche firm, the Office of Regulatory</p> <p>4 Staff?</p> <p>5 A. Sometime after January 15, but I don't know</p> <p>6 when.</p> <p>7 Q. Were you aware at the time you suggested to</p> <p>8 Ms. Edwards that the Office of Regulatory Staff hire</p> <p>9 the Wyche firm that Wyche had been engaged by SCE&G?</p> <p>10 MR. LIGHTSEY: Object to the form.</p> <p>11 THE WITNESS: Sir?</p> <p>12 MR. LIGHTSEY: I'm objecting to</p> <p>13 the form of the question.</p> <p>14 THE WITNESS: I don't know what</p> <p>15 that means.</p> <p>16 BY MR. CHALLY:</p> <p>17 Q. You can still answer the question.</p> <p>18 A. I was -- repeat the question, please.</p> <p>19 Q. Sure. Were you aware, at the time you</p> <p>20 suggested to Ms. Edwards that the Office of</p> <p>21 Regulatory Staff engage the Wyche firm, that Wyche</p> <p>22 had been engaged by SCE&G?</p> <p>23 MR. LIGHTSEY: Object to the form.</p> <p>24 THE WITNESS: No, I wasn't aware</p> <p>25 of it at the time, no, sir.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

53	<p>1 THE COURT REPORTER: I'm sorry,</p> <p>2 what was your answer?</p> <p>3 THE WITNESS: I wasn't aware of it</p> <p>4 at the time I suggested it, and I'm still not</p> <p>5 aware; I don't know that I'm aware of it.</p> <p>6 BY MR. CHALLY:</p> <p>7 Q. So you're not aware, even as we sit here</p> <p>8 today, that at some point in the past Wyche had been</p> <p>9 engaged by SCE&G?</p> <p>10 A. Yeah, I understand that SCE&G raised that</p> <p>11 issue, I was told that.</p> <p>12 Q. Who told you that?</p> <p>13 A. I'm sure it was probably Ms. Edwards that</p> <p>14 told me that, but I wasn't aware of it at the time I</p> <p>15 suggested.</p> <p>16 Q. All right. Ms. Edwards told you that after</p> <p>17 you left the Office of Regulatory Staff?</p> <p>18 A. The whole conversation, I think, yes, sir,</p> <p>19 she told me that after.</p> <p>20 Q. What was your understanding of the purpose</p> <p>21 for Ms. Edwards' conversation with you on that topic?</p> <p>22 A. I might have raised the issue to her. I</p> <p>23 don't know.</p> <p>24 Q. So you became aware of the fact that</p> <p>25 SCE&G --</p>	55	<p>1 THE VIDEOGRAPHER: Back on the</p> <p>2 record at 11:09.</p> <p>3 BY MR. CHALLY:</p> <p>4 Q. Mr. Scott, you're familiar with the Base</p> <p>5 Load Review Act, are you not?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And you, in fact, supported the passage of</p> <p>8 the Base Load Review Act; isn't that right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. You thought it would incentivize utility</p> <p>11 companies to invest resources necessary to lead to</p> <p>12 the construction of new base load facilities; is that</p> <p>13 right?</p> <p>14 A. I thought it was needed in order for them to</p> <p>15 raise the capital to build a nuclear plant.</p> <p>16 Q. And then what specifically about the BLRA</p> <p>17 was needed to justify utility investing capital in a</p> <p>18 new base load facility?</p> <p>19 A. Well, keep in mind, at the time -- I can't</p> <p>20 tell you what to do, but I would ask you to keep in</p> <p>21 mind, at the time, the ORS's mission was threefold,</p> <p>22 which is different than it is today, and that one of</p> <p>23 those things was that economic development of jobs</p> <p>24 and then financial integrity of the utility.</p> <p>25 The things I thought were needed in the Base</p>
54	<p>1 A. Oh, no, no, no, we're not talking about the</p> <p>2 same thing. Okay. Please explain your question.</p> <p>3 Q. What is your understanding of the</p> <p>4 circumstances that led to you having a discussion</p> <p>5 with Ms. Edwards about the fact Wyche had previously</p> <p>6 been engaged by SCE&G?</p> <p>7 A. I don't -- I don't know what led to the</p> <p>8 discussion.</p> <p>9 Q. Did you understand Ms. Edwards to be</p> <p>10 providing you with privileged or confidential</p> <p>11 information?</p> <p>12 A. No, sir.</p> <p>13 Q. Then what did you -- what do you recall</p> <p>14 about this discussion with Ms. Edwards?</p> <p>15 A. I said, you know, that there was some issue</p> <p>16 raised by SCE&G.</p> <p>17 Q. And you don't recall anything else about</p> <p>18 that conversation?</p> <p>19 A. No. I mean, somehow it got worked out, but</p> <p>20 I don't know what happened.</p> <p>21 MR. CHALLY: Okay. I want to take</p> <p>22 a quick break.</p> <p>23 THE VIDEOGRAPHER: Off the record</p> <p>24 at 10:58.</p> <p>25 (A recess was taken.)</p>	56	<p>1 Load Review Act or agreed that were needed based on</p> <p>2 that mission. And I went through the '80s with the</p> <p>3 nuclear pants and some of the issues that arose</p> <p>4 there, and I thought that if you were going to</p> <p>5 maintain financial integrity utility and let them</p> <p>6 attract the capital necessary to build a nuclear</p> <p>7 plant that you would need a review by the Public</p> <p>8 Service Commission before it -- before it got --</p> <p>9 before it got started. I mean, in the past, you</p> <p>10 didn't. In some in the past you didn't have it, and</p> <p>11 in fact, you know, if we got a share of the -- we</p> <p>12 assigned an economic share of the nuclear plants in</p> <p>13 North Carolina, and they didn't even have to come</p> <p>14 under the Citing Act because they were in North</p> <p>15 Carolina, not South Carolina. So this would give the</p> <p>16 opportunity for the utility -- it wasn't mandatory,</p> <p>17 but the utility company can get a prior review by the</p> <p>18 Commission and give it the prudency issue.</p> <p>19 Q. So you understood that the critical piece to</p> <p>20 incentivize utilities as provided for in the BLRA was</p> <p>21 a prudency determination before construction began;</p> <p>22 is that right?</p> <p>23 A. Well, that was one of the things.</p> <p>24 Q. Okay. What else?</p> <p>25 A. Well, I thought that the ability to get</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

57	<p>1 the -- I thought the revised rates were important.</p> <p>2 In fact, Duke Energy, I think, went public and said,</p> <p>3 until they got something similar in North Carolina,</p> <p>4 they couldn't build the Lee plant. So I thought the</p> <p>5 some -- in the past, in order to get a cash return on</p> <p>6 the construction work in progress, they had to come</p> <p>7 in for a general rate case on everything. So -- but</p> <p>8 so to incentivize, I guess you could say, or to raise</p> <p>9 the capital at the lowest price, I thought the</p> <p>10 revised rate methodology was helpful as well. Those</p> <p>11 are some of the things that come to mind.</p> <p>12 Q. Anything else about the BLRA that you</p> <p>13 thought was critical to incentivizing utilities to</p> <p>14 construct new base load facilities?</p> <p>15 A. I'm sure there was at the time, but those</p> <p>16 are the two main things.</p> <p>17 Q. Those are the two things that you recall</p> <p>18 that --</p> <p>19 A. That come to mind, yes. Now, I may have</p> <p>20 testified, you know, with additional, but those are</p> <p>21 the two that come to mind today with this question.</p> <p>22 Q. So you understood then that through the</p> <p>23 BLRA, this pre-construction prudency determination</p> <p>24 would remain in place so long as the utility was</p> <p>25 meeting the schedule and cost estimates determined by</p>
58	<p>1 the Public Service Commission to be prudent; isn't</p> <p>2 that right?</p> <p>3 A. Well, so long as, you know, so long as there</p> <p>4 was full disclosure and transparency on those issues.</p> <p>5 I mean, those are side issues, now. But if it stayed</p> <p>6 on budget and stayed on schedule, that's probably --</p> <p>7 my understanding was that you had that initial</p> <p>8 prudency, and then unless somebody could come in and</p> <p>9 show that it was imprudent, is my understanding as I</p> <p>10 sit here today.</p> <p>11 Q. Yeah, and that was a piece of the BLRA that</p> <p>12 you thought important to incentivize utilities to</p> <p>13 conduct -- or construct the new base load facilities?</p> <p>14 A. I don't know that I used the word</p> <p>15 "incentivize" the utility, but to provide the</p> <p>16 utilities the opportunity to raise the capital and</p> <p>17 maintain financial integrity at reasonable rates, I</p> <p>18 thought there was.</p> <p>19 Q. All right. And then it's your understanding</p> <p>20 that that prudency determination, once made, couldn't</p> <p>21 be revisited; isn't that right?</p> <p>22 A. No, sir.</p> <p>23 Q. You did not understand that?</p> <p>24 A. No, sir.</p> <p>25 Q. You understood that the prudency</p>
59	<p>1 determination may, at the outset, could be revisited?</p> <p>2 A. I thought -- here's what I'm thinking now.</p> <p>3 I haven't looked at the Base Load Review Act in a</p> <p>4 long time. But what I'm thinking is that it did</p> <p>5 shift the burden of proof to whoever wanted to come</p> <p>6 in and show in a modification case that there was</p> <p>7 imprudency involved. I don't think it was in the</p> <p>8 sense that never challenge; I think the challenge</p> <p>9 became on the part of who was challenging it, rather,</p> <p>10 in a typical case.</p> <p>11 Q. But absent -- absent this challenge and</p> <p>12 ultimately a challenge that is deemed worthy by the</p> <p>13 Public Service Commission, the pre-construction</p> <p>14 prudency determination would remain valid and</p> <p>15 binding, correct?</p> <p>16 MR. LIGHTSEY: Object to the form.</p> <p>17 THE WITNESS: I don't know. I</p> <p>18 don't know -- I don't want to play games with</p> <p>19 you, but I thought that -- I don't know that it</p> <p>20 could never be challenged.</p> <p>21 BY MR. CHALLY:</p> <p>22 Q. I didn't say that it could never be</p> <p>23 challenged. I said, you identified the circumstances</p> <p>24 in when it could be challenged; someone coming in and</p> <p>25 raising imprudency. But would you agree with me that</p>
60	<p>1 just raising imprudency alone wasn't enough; you had</p> <p>2 to prove imprudency, correct?</p> <p>3 A. I think so, but, you know, I'm not looking</p> <p>4 at -- the Base Load Review Act has never been acted</p> <p>5 upon. I have had people ask me when I was still</p> <p>6 there about those kinds of questions, and I said, the</p> <p>7 answer to your question is, I don't know whether what</p> <p>8 you're saying is right or wrong because there's never</p> <p>9 been a case under it, and it took -- so we don't know</p> <p>10 what the Public Service Commission is going to say.</p> <p>11 Q. But for your purpose, the pre-construction</p> <p>12 prudency determination was important to allow the</p> <p>13 utility to attract capital necessary to construct a</p> <p>14 new base load facility?</p> <p>15 A. I think that's a correct statement.</p> <p>16 Q. And it was your understanding that that</p> <p>17 pre-prudency determination would hold, absent a</p> <p>18 finding of imprudency later raised by someone else?</p> <p>19 A. I'm scared to say that definitively because</p> <p>20 I don't know what the Public Service Commission is</p> <p>21 going to be saying. But I didn't think you had -- I</p> <p>22 didn't think you had to re-litigate it every year.</p> <p>23 Q. Okay. And then what was it -- what</p> <p>24 specifically about the revised rates -- well,</p> <p>25 actually, let me just make sure I understand that</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

61	<p>1 point.</p> <p>2 So you understood that the -- you wouldn't</p> <p>3 have to prove again prudence after the</p> <p>4 pre-construction prudence determination; is that</p> <p>5 right?</p> <p>6 MR. LIGHTSEY: Object to the form.</p> <p>7 THE WITNESS: I don't know. It</p> <p>8 was my understanding at the time that you get a</p> <p>9 prudence determination, and then it would be up</p> <p>10 to someone else to come in and show imprudence.</p> <p>11 BY MR. CHALLY:</p> <p>12 Q. And they would have the burden of showing</p> <p>13 that?</p> <p>14 A. I think they had the burden to show it.</p> <p>15 Q. And absent them discharging that burden, the</p> <p>16 pre-construction prudence determination would remain?</p> <p>17 MR. LIGHTSEY: Object to the form.</p> <p>18 BY MR. CHALLY:</p> <p>19 Q. That was your understanding?</p> <p>20 MR. LIGHTSEY: Object to the form.</p> <p>21 THE WITNESS: My understanding was</p> <p>22 that you got the prudence determination and it</p> <p>23 stayed unless somebody came in and challenged it</p> <p>24 successfully with a burden.</p> <p>25</p>	63	<p>1 in revised rates.</p> <p>2 Q. I understand. It's the financing cost</p> <p>3 associated with the work that is done to construct</p> <p>4 the plant, right?</p> <p>5 A. Yes.</p> <p>6 Q. So it's your understanding that the revised</p> <p>7 rates proceedings allowed the utility to collect</p> <p>8 those financing costs so long as those costs were</p> <p>9 incurred in line with the schedule and cost estimates</p> <p>10 approved by the PSC prior to construction beginning,</p> <p>11 correct?</p> <p>12 A. I don't think so.</p> <p>13 Q. Okay. Then what did you understand the</p> <p>14 revised rates proceedings to be?</p> <p>15 A. The revised rates proceeding allowed for the</p> <p>16 recovery of what we call the cost of capital, the</p> <p>17 financing cost, so long as the utility was in</p> <p>18 compliance with the order of the Commission. Now --</p> <p>19 so that's the answer, I mean, as long as they were in</p> <p>20 compliance with the Commission's order that we would</p> <p>21 be -- I think the word in the statute, you would know</p> <p>22 better than me -- might be the word entitled to the</p> <p>23 cost, cash cost of capital rather than accrue AFUDC</p> <p>24 and pile that onto the end of the project.</p> <p>25 Q. And that's because the Commission had</p>
62	<p>1 BY MR. CHALLY:</p> <p>2 Q. Now, you also talked about revised rates</p> <p>3 proceedings; that that was an important piece of the</p> <p>4 BLRA.</p> <p>5 A. Yes.</p> <p>6 Q. And is the important aspect of the revised</p> <p>7 rates proceeding that it allowed the utility to</p> <p>8 recover the costs actually incurred?</p> <p>9 A. No, sir.</p> <p>10 Q. Let me finish my question.</p> <p>11 A. Oh, I thought you stopped.</p> <p>12 Q. I'm slow sometimes. Sorry.</p> <p>13 Was the important aspect of revised rates</p> <p>14 proceedings the fact it allowed the utility to</p> <p>15 recover the capital costs once incurred after they</p> <p>16 have been deemed prudent in the pre-construction</p> <p>17 prudence review?</p> <p>18 A. No, sir.</p> <p>19 Q. Then what was it about the revised rates;</p> <p>20 proceedings that --</p> <p>21 A. You didn't recover the cost of capital in</p> <p>22 the revised rates -- the cost of the capital</p> <p>23 investment.</p> <p>24 Q. That's what I meant, yeah.</p> <p>25 A. You don't recover the cost of the investment</p>	64	<p>1 already made a determination as to the prudence of</p> <p>2 those costs prior to construction beginning; isn't</p> <p>3 that right?</p> <p>4 A. I don't think that's the reason. I think</p> <p>5 the reason is that the company would have to be in</p> <p>6 compliance with the pre -- the past order of the</p> <p>7 Commission.</p> <p>8 Q. The order of the Commission that approved as</p> <p>9 prudent certain aspects of the project?</p> <p>10 A. Well, it's subsequent orders, too, because</p> <p>11 they -- they would come in for modification in order</p> <p>12 to get in compliance with the past Commission orders.</p> <p>13 So it didn't relate back necessarily -- this is my</p> <p>14 opinion, I mean, that's all it is opinion -- didn't</p> <p>15 relate back to, necessarily to the original order; it</p> <p>16 related back to the last order of the Commission.</p> <p>17 They had to be in compliance with the previous order</p> <p>18 of the Commission.</p> <p>19 Q. And that order would have approved as</p> <p>20 prudent certain costs associated with the</p> <p>21 construction activities, correct?</p> <p>22 A. The subsequent orders wouldn't. Subsequent</p> <p>23 orders would be based on whether someone could come</p> <p>24 in and show that the modifications were incurred by</p> <p>25 imprudence on the part of the utility.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

65	<p>1 Q. Okay. Let's try to do this a little bit</p> <p>2 more precisely then. Do you understand that SCE&G</p> <p>3 received an order from the Public Service Commission</p> <p>4 approving of the petition for base load review order</p> <p>5 associated with the V.C. Summer Nuclear Project?</p> <p>6 A. That's my understanding.</p> <p>7 Q. When, to your understanding, did the Public</p> <p>8 Service Commission first issue that order?</p> <p>9 A. I think it was 2009, but I don't know.</p> <p>10 Q. And then you're aware that, in that order,</p> <p>11 you're aware, are you not, that the Public Service</p> <p>12 Commission deemed prudent certain aspects of the</p> <p>13 construction of Units 2 and 3 at V.C. Summer, right?</p> <p>14 A. You will need to show me that. I haven't</p> <p>15 read that order.</p> <p>16 Q. I understand you haven't read that order.</p> <p>17 But is your understandings, as we sit here today,</p> <p>18 that the Public Service Commission approved as</p> <p>19 prudent certain aspects of the construction activity</p> <p>20 for Units 2 and 3?</p> <p>21 A. I don't want to get in a debate with you but</p> <p>22 I haven't read the order, so it says what it says it</p> <p>23 says.</p> <p>24 Q. Do you disagree with my characterization of</p> <p>25 what that order --</p>	67	<p>1 Q. And you know that the company, following</p> <p>2 that order, immediately following that order, came</p> <p>3 in, I believe, in 2010 in the revised rates</p> <p>4 proceeding, correct?</p> <p>5 A. Well, they had it -- I don't think it was</p> <p>6 revised rate proceeding but the 2009 order actually</p> <p>7 had a rate case in it, too.</p> <p>8 Q. But you know that --</p> <p>9 A. For the same thing. But I know the company</p> <p>10 has been in, I believe it's been in nine times. I</p> <p>11 don't -- I'm sure they came in 2010, but I can't say</p> <p>12 that with certainty but I'm sure they did.</p> <p>13 Q. So in, 2010, the company went to the Public</p> <p>14 Service Commission in a revised rates proceeding and</p> <p>15 sought to include in the rate base certain aspects of</p> <p>16 the construction costs that were contemplated by the</p> <p>17 2009 order approving the construction of Units 2 and</p> <p>18 3; isn't that right?</p> <p>19 A. I don't agree with the concluding and rate</p> <p>20 base anything. The -- what they got is -- what they</p> <p>21 got was an order allowing them to recover the</p> <p>22 financial costs associated with capital investment.</p> <p>23 I don't think there was a -- I don't think there was</p> <p>24 a line item in rate basing, as I'm recalling it.</p> <p>25 Q. So they were allowed, in 2010 order, recover</p>
66	<p>1 A. I don't agree nor disagree because I haven't</p> <p>2 seen --</p> <p>3 Q. But you read the order when it came out,</p> <p>4 didn't you, Mr. Scott?</p> <p>5 A. No, sir. No, sir.</p> <p>6 Q. You didn't read the order approving the</p> <p>7 construction of Units 2 and 3 when it came out?</p> <p>8 A. No, sir.</p> <p>9 Q. Why not?</p> <p>10 A. Because that's what we have staff for.</p> <p>11 Q. You're the Executive Director of the Office</p> <p>12 of Regulatory Staff and didn't read the order from</p> <p>13 the Commission approving the construction of Units 2</p> <p>14 and 3?</p> <p>15 A. That's correct. I haven't read the order.</p> <p>16 That's what you have -- I mean, the Commission issues</p> <p>17 lots of orders.</p> <p>18 Q. That was a pretty important order, wasn't</p> <p>19 it, Mr. Scott?</p> <p>20 A. Yes, sir, but I had important people on it.</p> <p>21 I haven't read it.</p> <p>22 Q. Okay. All right. But you know in 2009 that</p> <p>23 there was an order approving the construction of</p> <p>24 Units 2 and 3?</p> <p>25 A. I believe that to be true, yes.</p>	68	<p>1 the financing costs incurred between the time of the</p> <p>2 order approving the construction and the time of the</p> <p>3 petition seeking to include those financing costs?</p> <p>4 A. I believe that's true.</p> <p>5 Q. And the prudence of those costs had been</p> <p>6 determined by the 2009 order; isn't that right?</p> <p>7 A. I think that's true.</p> <p>8 Q. And that's the aspect of the revised rates</p> <p>9 proceedings that you thought was important?</p> <p>10 A. Well, the aspect that I thought was</p> <p>11 important was it provided for the cash recovery of</p> <p>12 the financing cost associated with that investment so</p> <p>13 that you don't -- you're not piling up AFUDC and also</p> <p>14 it was very attractive to the investment.</p> <p>15 Q. All right. Now, you thought the BLRA was a</p> <p>16 good thing when it was passed by the General Assembly</p> <p>17 of South Carolina; isn't that right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And you also thought the BLRA was a good</p> <p>20 thing even as late as 2016, right?</p> <p>21 A. 2016, I had not -- yes, sir.</p> <p>22 (Exhibit No. 1 was marked for</p> <p>23 identification.)</p> <p>24 Q. Okay. I'm going to hand you what I have</p> <p>25 marked as Exhibit 1 to your deposition.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

69	<p>1 A. Okay, yes, I'm familiar with this.</p> <p>2 Q. This is a -- appears to be a press release;</p> <p>3 isn't that right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And you're familiar with this press release,</p> <p>6 Mr. Scott?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Were you involved in the preparation of it?</p> <p>9 A. I'm sure I was. I mean, we have somebody</p> <p>10 who does the press releases and I'm sure there was</p> <p>11 other involvement, but, yes, sir, it's got a quote in</p> <p>12 here from me.</p> <p>13 Q. Yes. So the press release reports on an</p> <p>14 analysis that, as the ORS described it, confirmed a</p> <p>15 revised rate methodology under the BLRA's cost</p> <p>16 beneficial to customers; is that right?</p> <p>17 A. Oh, yes, sir.</p> <p>18 Q. And you agree with that --</p> <p>19 A. Correct.</p> <p>20 Q. -- the revised rate methodology under the</p> <p>21 BLRA is cost beneficial to customers?</p> <p>22 A. At that time, I did, yes.</p> <p>23 Q. And what -- so the ORS had engaged the firm</p> <p>24 of Elliott Davis Decosimo, is that correct, LLC, is</p> <p>25 that how you pronounce that?</p>	71	<p>1 Carolina Code that are applicable to general rate</p> <p>2 proceedings?</p> <p>3 A. I don't -- tell me what you're talking about</p> <p>4 as "general rate proceedings."</p> <p>5 Q. Well, as distinct from proceedings specific</p> <p>6 to the BLRA.</p> <p>7 A. I don't know what you're talking about.</p> <p>8 Q. Do you know provisions of the South Carolina</p> <p>9 Code that authorize the Office of Regulatory Staff to</p> <p>10 engage outside experts?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And was it those provisions of the South</p> <p>13 Carolina Code that the Office of Regulatory Staff</p> <p>14 relied on to engage Elliott Davis in 2016?</p> <p>15 A. I don't think so, because the Code you're</p> <p>16 talking about is we engage and utility pays for it.</p> <p>17 Utility, other than through the normal assessment, we</p> <p>18 took this out of our regular budget.</p> <p>19 Q. So this particular report was paid for out</p> <p>20 of the Office of Regulatory Staff's budget?</p> <p>21 A. Budget, yes.</p> <p>22 Q. And that's distinct from an expert, say,</p> <p>23 like Gary Jones, correct?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Gary Jones, who was hired under the</p>
70	<p>1 A. I don't know how to pronounce the name, I</p> <p>2 just say Elliott Davis somebody else. But we engaged</p> <p>3 their services, yes, sir.</p> <p>4 Q. And what led the Office of Regulatory Staff</p> <p>5 to engage Elliott Davis?</p> <p>6 A. Well, from the beginning, SCE&G had said</p> <p>7 that the revised rate methodology would save the</p> <p>8 customers \$1 billion in capital costs and \$4 billion</p> <p>9 over the life of the plant. And that's a logical --</p> <p>10 that is going to save, the dollar amount would save.</p> <p>11 And as the costs were going up in 2015, 2016, I and</p> <p>12 the ORS had decided, well, we believe that that's to</p> <p>13 be true, but it seems for the public standpoint we</p> <p>14 need something besides just SCE&G saying it.</p> <p>15 So we engaged Elliott Davis to confirm that,</p> <p>16 and they did confirm that it does -- in fact, it --</p> <p>17 you know, if the thing had come on line in 2016 and</p> <p>18 '18, then this revised rate methodology would have</p> <p>19 been an asset to the customer.</p> <p>20 Q. What were the terms of the ORS's engagement</p> <p>21 of Elliott Davis, do you recall?</p> <p>22 A. I don't know. I didn't handle that</p> <p>23 personally.</p> <p>24 Q. Do you know whether or not the ORS engaged</p> <p>25 Elliott Davis pursuant to provisions of South</p>	72	<p>1 provisions of the South Carolina Code that allowed</p> <p>2 regulatory staff to hire experts and require the</p> <p>3 utility to pay for cost of that extra, correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And that's a provision of the Code the ORS</p> <p>6 invoked to carry out its audit and oversight</p> <p>7 functions for the V.C. Summer project, correct?</p> <p>8 MR. LIGHTSEY: Object to the form.</p> <p>9 THE WITNESS: That was part -- my</p> <p>10 understanding -- again, I know you think the</p> <p>11 Executive Director knows everything that goes on</p> <p>12 every day, or should, but all that's handled --</p> <p>13 was handled by someone other than me. I didn't</p> <p>14 select Mr. Jones and I think he did a great job</p> <p>15 but I am not the one that selected him.</p> <p>16 But there's provision -- that's</p> <p>17 not the only thing, because there is provision in</p> <p>18 the Base Load Review Act which allows the ORS to</p> <p>19 hire outside -- inside staff and get -- and</p> <p>20 assess the special assessment to the utility. I</p> <p>21 think the first unit you get two, and then every</p> <p>22 unit after that you get three.</p> <p>23 So the one you're talking about, I</p> <p>24 think is accurate; there is one that allows us to</p> <p>25 hire Gary Jones and have -- and bill the utility</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">73</p> <p>1 for it, but that's not the only one. There is</p> <p>2 also what I just described.</p> <p>3 BY MR. CHALLY:</p> <p>4 Q. But the provision that allowed the ORS to</p> <p>5 hire Gary Jones is a provision that the ORS invoked</p> <p>6 in connection with the V.C. Summer project, correct?</p> <p>7 A. We did invoke that. Now, I don't know</p> <p>8 whether we did it BLRA specifically or under the</p> <p>9 general law. I don't know which section we invoked</p> <p>10 it under.</p> <p>11 Q. Do you recall any work product that Elliott</p> <p>12 Davis provided beyond the document that was attached</p> <p>13 to that press release in Exhibit 1?</p> <p>14 A. If they did, I don't know it.</p> <p>15 (Exhibit No. 2 was marked for</p> <p>16 identification.)</p> <p>17 Q. Now I'm going to hand to you, Mr. Scott,</p> <p>18 what I have marked as Exhibit 2. The first page is</p> <p>19 an e-mail exchange that you're not on from Allyn</p> <p>20 Powell to Anthony James with a cc to Gary Jones and</p> <p>21 Gene Soult. The subject line is "Final</p> <p>22 Presentation."</p> <p>23 I'm just going to ask you about the</p> <p>24 presentation that follows, which is entitled "Status</p> <p>25 of the V.C. Summer Units 2 and 3 Nuclear Power</p>	<p style="text-align: right;">75</p> <p>1 chance to flip through this presentation?</p> <p>2 A. No, sir.</p> <p>3 Q. Okay. Can you take a minute just to do</p> <p>4 that, familiarize yourself with it briefly.</p> <p>5 A. I'm not saying I wasn't sitting there but I</p> <p>6 am not familiar with it. I just don't remember it.</p> <p>7 Q. So you don't recall being involved in the</p> <p>8 preparation of this; is that right?</p> <p>9 A. I don't recall being involved. Now, some of</p> <p>10 the things are familiar because some of these things</p> <p>11 are on our website -- not our website but ORS's</p> <p>12 website. But that doesn't mean anything, I just</p> <p>13 don't --</p> <p>14 Q. You can put that one to the side. I am</p> <p>15 going to show you another document.</p> <p>16 (Exhibit No. 3 was marked for</p> <p>17 identification.)</p> <p>18 Q. This is Exhibit 3.</p> <p>19 A. Yes, I think this was put on ORS's website.</p> <p>20 Q. Yeah. So the first page of the document is</p> <p>21 an e-mail from you to Mr. James, Ms. Powell, and Gary</p> <p>22 Jones. You're asking about the website, and you say</p> <p>23 that this, the attachment, is from our review</p> <p>24 committee letter which is already public. Would you</p> <p>25 be okay with us putting it on our website, right?</p>
<p style="text-align: right;">74</p> <p>1 Plants."</p> <p>2 Do you see that?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Are you familiar with this presentation?</p> <p>5 A. I mean, I don't remember it.</p> <p>6 Q. Do you remember being involved in a</p> <p>7 presentation provided to the Electric Cooperatives of</p> <p>8 the South Carolina in March of 2016 regarding</p> <p>9 V.C. Summer Units 2 and 3?</p> <p>10 A. Can you tell me where it was?</p> <p>11 Q. No, sir, I can't. But I can tell you this</p> <p>12 is a presentation that, according to testimony in</p> <p>13 this case, was provided to the Electric Cooperatives</p> <p>14 in South Carolina in March of 2016.</p> <p>15 A. I don't doubt it, I just don't remember it.</p> <p>16 Q. You don't remember being involved in this</p> <p>17 presentation Gary Jones made to the Cooperatives?</p> <p>18 A. I remember Gary making one at Kiawah, but I</p> <p>19 don't know whether this is it or not. I don't</p> <p>20 remember this particular one, if that's not it. I</p> <p>21 don't remember but one.</p> <p>22 But, now, listen -- I'm not telling you what</p> <p>23 to do again -- but it could happen and I'd be sitting</p> <p>24 there and still not remember it.</p> <p>25 Q. Okay. Do you recall -- have you had a</p>	<p style="text-align: right;">76</p> <p>1 A. Right.</p> <p>2 Q. So you recall this particular e-mail?</p> <p>3 A. I don't recall this particular e-mail but</p> <p>4 I'm -- but they would haven't put it on there if they</p> <p>5 asked me if and I hadn't seen it and responded to it.</p> <p>6 Q. Yeah, so you do recall the letter that</p> <p>7 attached -- that is attached to the e-mail, right?</p> <p>8 A. Well, I do recall the letter that's attached</p> <p>9 to it, yes, sir.</p> <p>10 Q. And this is information related to the BLRA</p> <p>11 and the V.C. Summer Nuclear Units that you were</p> <p>12 involved in preparing back in 2016; is that right?</p> <p>13 A. What was that question?</p> <p>14 Q. This is information relate to the V.C.</p> <p>15 Summer Nuclear Units and the Base Load Review Act</p> <p>16 that you were involved in preparing in 2016; is that</p> <p>17 right?</p> <p>18 A. I wouldn't say that. I think Anthony and</p> <p>19 Allyn prepared it. I don't think I was involved in</p> <p>20 the preparation of the thing.</p> <p>21 Q. But you were recommending or you're asking,</p> <p>22 at least, that it be made available through the ORS's</p> <p>23 website, correct?</p> <p>24 A. I wasn't asking; they were asking me.</p> <p>25 Q. No. Mr. Scott, the e-mail is from you to</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

77	<p>1 Anthony James, Allyn Powell, and Gary Jones.</p> <p>2 A. Oh, okay.</p> <p>3 Q. And you ask, "Would you be okay with us</p> <p>4 putting it on our website."</p> <p>5 A. Oh, okay. Yeah, I'm sorry, I missed that.</p> <p>6 I thought they asked me.</p> <p>7 Q. Okay. So you were asking whether or not it</p> <p>8 would be appropriate to publish on the website, and</p> <p>9 of course in doing that, you would want to only</p> <p>10 publish information that you thought to be accurate,</p> <p>11 right?</p> <p>12 A. Information I thought would be accurate and</p> <p>13 not confidential.</p> <p>14 Q. Right. Now, so the letter describes a</p> <p>15 certain status of the unit, and it indicates that</p> <p>16 there are various factors in 2008 that were favorable</p> <p>17 for construction of the units; isn't that right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. You agree with those factors that are</p> <p>20 described in this letter today?</p> <p>21 MR. LIGHTSEY: Object to the form.</p> <p>22 THE WITNESS: I don't have actual</p> <p>23 knowledge of these things, so -- because I didn't</p> <p>24 develop them, so I don't have actual knowledge of</p> <p>25 them.</p>	79	<p>1 these things and I didn't look behind them.</p> <p>2 Q. So you agree that in 2016, the BLRA had</p> <p>3 provided a stable financial environment for</p> <p>4 construction and an independent study had concluded</p> <p>5 that it, meaning the BLRA, reduces capital cost?</p> <p>6 MR. LIGHTSEY: Object to form. Go</p> <p>7 ahead.</p> <p>8 THE WITNESS: Based on the</p> <p>9 information that we had at the time, and based on</p> <p>10 the mission of ORS at the time, I agree with that</p> <p>11 statement.</p> <p>12 BY MR. CHALLY:</p> <p>13 Q. And you also agree and knew in 2016 that</p> <p>14 productivity on the project continues to be lower</p> <p>15 than needed to meet construction schedules, correct?</p> <p>16 A. Somebody knew it.</p> <p>17 Q. Someone affiliated with the ORS knew that,</p> <p>18 right?</p> <p>19 A. They put this together, yes, sir.</p> <p>20 Q. And they informed you of that fact as of</p> <p>21 2016?</p> <p>22 A. Through this letter they would inform me of</p> <p>23 that fact.</p> <p>24 Q. All right. And they conclude that certain</p> <p>25 bullet points within the sentence that begins:</p>
78	<p>1 BY MR. CHALLY:</p> <p>2 Q. But you are familiar with the fact, are you</p> <p>3 not, that these are factors related to the federal</p> <p>4 and state regulatory policy environment that were</p> <p>5 favorable for construction of the units?</p> <p>6 A. I think -- I think the answer is yes, I was</p> <p>7 familiar with these factors, you know, at the time,</p> <p>8 the fact that NRC had gone from one part to another</p> <p>9 and changed their process. The Base Load Review Act</p> <p>10 was important, and so I am familiar with these</p> <p>11 factors.</p> <p>12 Q. And those are factors that were made</p> <p>13 manifest in 2008, right?</p> <p>14 A. Based on this letter, I think you're right.</p> <p>15 Q. Yeah. Okay. And then you later describe in</p> <p>16 this letter that actual experience -- 2008 has been a</p> <p>17 little different than what was projected in 2008;</p> <p>18 isn't that right?</p> <p>19 A. Yes, sir.</p> <p>20 MR. LIGHTSEY: Object to the form.</p> <p>21 BY MR. CHALLY:</p> <p>22 Q. And you agree with the bullet points that</p> <p>23 you described in this letter -- that were described</p> <p>24 in this letter in 2016?</p> <p>25 A. As far as I know. I mean, I didn't develop</p>	80	<p>1 "Following your conclusion" -- or these bullet</p> <p>2 points, I should say -- "is the BLRA, as it presently</p> <p>3 exists, remain an essential element to success,"</p> <p>4 right?</p> <p>5 A. Based on information we had at the time, I</p> <p>6 believe that to be true.</p> <p>7 Q. And that's because it provides a stable</p> <p>8 environment that ensures financing?</p> <p>9 A. That's what it was intended to do based on</p> <p>10 what we knew at the time and based on ORS's mission</p> <p>11 at the time.</p> <p>12 Q. And the stability that you're talking about</p> <p>13 is -- flows in part from the pre-construction</p> <p>14 prudence determination, correct?</p> <p>15 A. I don't disagree with that. I think that's</p> <p>16 true.</p> <p>17 Q. And so you knew that that pre-construction</p> <p>18 prudence determination applied to the extent the</p> <p>19 plant is constructed, correct?</p> <p>20 A. Say that again?</p> <p>21 Q. Yeah. The pre-prudence determination</p> <p>22 applied in the event that the plant was constructed,</p> <p>23 actually constructed, correct?</p> <p>24 A. Constructed and according with the prudent</p> <p>25 schedule and budget.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

81	<p>1 Q. Right. And that pre-prudency determination</p> <p>2 applied so long as the plant was being constructed in</p> <p>3 accordance with the schedule and cost approved to the</p> <p>4 Commission -- approved by the Commission?</p> <p>5 A. If it was built in accordance to that</p> <p>6 schedule and budget, it would be up to someone else.</p> <p>7 It was being constructed in the compliance with the</p> <p>8 Base Load Review Order, which may have more in it</p> <p>9 than just -- if it was being built in compliance with</p> <p>10 the previous order of the Commission, then unless --</p> <p>11 my understanding is, and I'm not sure what other</p> <p>12 people think, but my understanding was that it would</p> <p>13 take someone else coming in to show that it was</p> <p>14 imprudent.</p> <p>15 Q. And that's true even if the plant was</p> <p>16 abandoned, right?</p> <p>17 A. I don't know the answer to that question.</p> <p>18 Q. So you were involved in the passage of the</p> <p>19 BLRA, aware of the fact that it provided a stable</p> <p>20 environment for the construction of these base load</p> <p>21 facilities, but you don't have a view as to the</p> <p>22 impact of abandonment on the pre-construction</p> <p>23 prudency determination?</p> <p>24 A. I don't have a view because I don't know</p> <p>25 what the Commission is going to do. I've been asked</p>	83	<p>1 investment but not a return. So I thought -- I</p> <p>2 did think that because of that, in order to</p> <p>3 attract investors, that the statute as it</p> <p>4 reads -- and I'm not here reading the statute --</p> <p>5 was important to the investors, you know, so long</p> <p>6 as there was -- I mean, you have got other issues</p> <p>7 going on here that I don't know about. So I</p> <p>8 don't know what those issues have impact on.</p> <p>9 But the idea was, if everything</p> <p>10 was done prudently or according to the original</p> <p>11 order and the past order, that the abandonment</p> <p>12 status would take control, is what my</p> <p>13 understanding would have been. But, again, I</p> <p>14 wasn't a lawyer on that case, but I did support</p> <p>15 that.</p> <p>16 BY MR. CHALLY:</p> <p>17 Q. So your understanding in passing the -- and</p> <p>18 being involved in passing the BLRA was that, so long</p> <p>19 as the plant was being constructed on the schedule</p> <p>20 and plans as approved by the Public Service</p> <p>21 Commission, abandonment of that plant wouldn't</p> <p>22 automatically require a refund of the rates approved</p> <p>23 by the Commission?</p> <p>24 MR. LIGHTSEY: Object to the form.</p> <p>25 THE WITNESS: I don't -- I don't</p>
82	<p>1 that before.</p> <p>2 Q. I'm not asking you to project what the</p> <p>3 Commission is going to do. I'm asking you for your</p> <p>4 view, Mr. Scott, as someone who was involved in the</p> <p>5 passage of the BLRA.</p> <p>6 Is it your view, when you were involved in</p> <p>7 passing the BLRA, that abandonment had an impact on</p> <p>8 the utility's ability to recover costs as approved in</p> <p>9 the pre-construction prudency review?</p> <p>10 MR. LIGHTSEY: Object to the form.</p> <p>11 THE WITNESS: I don't know what</p> <p>12 the abandonment statute actually says, but it</p> <p>13 was -- I thought it was important, and of course</p> <p>14 we didn't go into this thing it was going to be</p> <p>15 abandoned. We went into it thinking, hoping it</p> <p>16 was going to be built.</p> <p>17 But what happened in the '80s --</p> <p>18 and I don't know where -- what I remember</p> <p>19 happening in the '80s is that there were</p> <p>20 abandonments, and in some states they didn't get</p> <p>21 to recover any of the costs. In South Carolina,</p> <p>22 my memory is that we had plants, units abandoned</p> <p>23 in South Carolina or in North Carolina that was</p> <p>24 part of us, but it didn't get, you know,</p> <p>25 recovery. So they got a recovery of the</p>	84	<p>1 know what you mean by "automatic." But my</p> <p>2 understanding was that, so long as that plant was</p> <p>3 built in accordance with the Base Load Review</p> <p>4 Act, and I think you have got some openness and</p> <p>5 transparency inherently required in there, that</p> <p>6 the abandonment itself, my understanding, and I</p> <p>7 could be wrong, was that it didn't require an</p> <p>8 automatic refund.</p> <p>9 BY MR. CHALLY:</p> <p>10 Q. All right. Now, I want to talk about your</p> <p>11 responsibilities in the role of Executive Director of</p> <p>12 the ORS.</p> <p>13 Would you agree that you had a duty to</p> <p>14 review, investigation and make an appropriate</p> <p>15 recommendations to the Commission with respect to the</p> <p>16 rates charged or proposed to be charged by any public</p> <p>17 utility?</p> <p>18 A. I think it's in the discretion of the</p> <p>19 Executive Director as to the extent and to what</p> <p>20 extent he participated or the Office of Regulatory</p> <p>21 Staff participates. But that part of the duty,</p> <p>22 subject to the one that says it's up to the Executive</p> <p>23 Director to determine, even if he participates in a</p> <p>24 case and to what extent the ORS participates.</p> <p>25 Q. Okay. So it's your view that the ORS could</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

85	<p>1 decide whether or not it wanted to review,</p> <p>2 investigate and make appropriate recommendations to</p> <p>3 the Commission with respect to the rates charged or</p> <p>4 proposed to be charged by a public utility?</p> <p>5 A. It's my -- and, now, if the Commission asks</p> <p>6 us to do it, we have to do it. But there is a</p> <p>7 section, and my memory is, that ORS was automatically</p> <p>8 made a party to the cases for the Commission, but</p> <p>9 there's a provision in there that says, I believe,</p> <p>10 that the Executive Director -- unless the Executive</p> <p>11 Director determines otherwise. So you -- so we</p> <p>12 weren't required to participate in the cases. Now,</p> <p>13 we never, I don't think we ever not participated in</p> <p>14 any rate case.</p> <p>15 Q. Did you fail to participate in proceedings</p> <p>16 under the BLRA related to the V.C. Summer Nuclear</p> <p>17 Project?</p> <p>18 A. I don't -- did we elect not to participate?</p> <p>19 No, sir.</p> <p>20 Q. You did participate in those?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And you carried out this duty to review,</p> <p>23 investigate and make appropriate recommendations to</p> <p>24 the Commission?</p> <p>25 A. Based on the information we had at the time,</p>	87	<p>1 Q. -- to the approved construction schedule and</p> <p>2 the approved capital cost estimate.</p> <p>3 A. I missed a word. I think the word is</p> <p>4 monitor.</p> <p>5 Q. So there was a monitoring function for the</p> <p>6 ORS, and then there was also a reporting function for</p> <p>7 the ORS, right; the ORS had to report certain</p> <p>8 information to the Commission?</p> <p>9 A. We didn't have a reporting requirement.</p> <p>10 Q. It is your testimony that you didn't have to</p> <p>11 tell the Commission anything that you learned in your</p> <p>12 monitoring role of the project?</p> <p>13 A. I didn't say that.</p> <p>14 Q. Then you had a reporting responsibility,</p> <p>15 correct?</p> <p>16 A. The utility had to -- quarterly reports.</p> <p>17 Our responsibility, I thought, was in the cases that</p> <p>18 came before the Commission. We didn't have a regular</p> <p>19 reporting requirement, I don't think.</p> <p>20 Q. And is it your view that you didn't have any</p> <p>21 responsibility to report to the Commission regarding</p> <p>22 the results of your monitoring of the project?</p> <p>23 A. I don't think we had to file a quarterly</p> <p>24 report, but I think in the cases that we certainly</p> <p>25 would want to provide the Commission with our</p>
86	<p>1 and under the mission that we had at the time, I</p> <p>2 think we did that.</p> <p>3 Q. So specifically when it came to the V.C.</p> <p>4 Summer Nuclear Project, ORS's duties included</p> <p>5 conducting ongoing monitoring of the construction of</p> <p>6 the plants and expenditure of capital for the</p> <p>7 project; isn't that right?</p> <p>8 A. I believe that's true.</p> <p>9 Q. And the ORS's activities primarily focused</p> <p>10 on the ability to adhere to the approved construction</p> <p>11 schedule and the approved capital cost estimates;</p> <p>12 wouldn't that be right?</p> <p>13 A. I don't know that it's primary.</p> <p>14 Q. But that was certainly a part of the ORS's</p> <p>15 activities, correct?</p> <p>16 A. I would think so. I'm not looking at the</p> <p>17 statute, but I would think.</p> <p>18 Q. So there was both an oversight role, so the</p> <p>19 ORS would have this information, know it --</p> <p>20 A. I don't think oversight's used. I thought</p> <p>21 monitoring was used.</p> <p>22 Q. Well, we just -- I thought we had agreed</p> <p>23 that -- we described the ORS's oversight activities</p> <p>24 has focused on the ability to adhere --</p> <p>25 A. I would --</p>	88	<p>1 recommendation based on what we knew. I don't think</p> <p>2 we had necessarily a duty to report that Modular A</p> <p>3 was late or something like that, I just don't know.</p> <p>4 Q. So you -- I understand you didn't have --</p> <p>5 you believe you didn't have a quarterly reporting</p> <p>6 function -- we'll get to that in a second. But is it</p> <p>7 your view you had no specific reporting obligations</p> <p>8 to the Commission related to the nuclear project?</p> <p>9 A. I don't agree that we had "no." I don't</p> <p>10 know what it was. But I don't think there is</p> <p>11 anything in the Base Load Review Act that has a</p> <p>12 reporting requirement. Now, I may be wrong, but, you</p> <p>13 know, the utility has the responsibility to file a --</p> <p>14 I think it's a quarterly report. I don't think there</p> <p>15 is any duty under the statute for ORS to file such a</p> <p>16 report, but I'm not saying there was no duty.</p> <p>17 Q. The ORS had a duty to make appropriate</p> <p>18 recommendations to the Commission with respect to</p> <p>19 rates charged or proposed to be charged by any public</p> <p>20 utility, right?</p> <p>21 A. And what section is that under?</p> <p>22 Q. 58.450.A-1.</p> <p>23 A. And that's in rate cases? That's not under</p> <p>24 the Base Load Review Act.</p> <p>25 Q. That's -- the section isn't under the Base</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right; margin-right: 50px;">89</p> <p>1 Load Review Act, but I'm asking whether or not you</p> <p>2 had the -- whether the ORS had the duty to make</p> <p>3 appropriate recommendations to the Commission with</p> <p>4 respect to rates charged or proposed to be charged by</p> <p>5 any public utility including under the Base Load</p> <p>6 Review Act.</p> <p>7 A. I can't disagree with that. I'm not reading</p> <p>8 the thing and I can't disagree that we had some duty</p> <p>9 there.</p> <p>10 Q. So you agree that you had some duty under</p> <p>11 that statute related to the project?</p> <p>12 A. Yeah, I think -- I think we had -- I don't</p> <p>13 know what the duty was, but I know we didn't have a</p> <p>14 reporting duty. But I can't say you had no duty. I</p> <p>15 mean, I just can't say that.</p> <p>16 Q. So you took those duties, including even</p> <p>17 those reporting duties, seriously, right?</p> <p>18 MR. LIGHTSEY: Object to the form.</p> <p>19 THE WITNESS: I don't know what</p> <p>20 reporting duties you're referring to.</p> <p>21 BY MR. CHALLY:</p> <p>22 Q. Just those duties that we just agreed to,</p> <p>23 Mr. Scott. You said you had some reporting</p> <p>24 responsibility to make appropriate recommendations to</p> <p>25 the Commission.</p>	<p style="text-align: right; margin-right: 50px;">91</p> <p>1 that there was -- I don't think there was any duty,</p> <p>2 any reporting requirement for ORS to the PSC outside</p> <p>3 of the contested rate cases similar to the one that</p> <p>4 SCE&G had. I don't mean to frustrate you.</p> <p>5 Q. No, you're not.</p> <p>6 Was it -- did the ORS have a responsibility</p> <p>7 to make appropriate recommendations to the Commission</p> <p>8 with respect to issues associated with the project?</p> <p>9 A. In the contested cases, I think that's</p> <p>10 correct.</p> <p>11 Q. When you -- when you're referring to</p> <p>12 "contested cases," what exactly are you referring to?</p> <p>13 A. I'm talking about the modification cases. I</p> <p>14 don't -- I think in a revised rate case, which may</p> <p>15 not be considered -- I don't know whether they're</p> <p>16 consider contested cases or not, but I think we had</p> <p>17 the duty in those.</p> <p>18 Q. So in the initial application for a Base</p> <p>19 Load Review Order, ORS had that duty, right?</p> <p>20 A. We assumed that duty whether we had it or</p> <p>21 not.</p> <p>22 Q. In the revised rates proceedings, the ORS</p> <p>23 assumed that duty?</p> <p>24 A. Yes.</p> <p>25 Q. And in the proceedings that sought</p>
<p style="text-align: right; margin-right: 50px;">90</p> <p>1 MR. LIGHTSEY: Object to the form.</p> <p>2 THE WITNESS: I thought I said I</p> <p>3 can't say that we didn't have any. I just don't</p> <p>4 know what you're getting at.</p> <p>5 BY MR. CHALLY:</p> <p>6 Q. You said you can't say we didn't have any.</p> <p>7 There's two negatives there. So does that mean you</p> <p>8 agree you had some duty to make appropriate</p> <p>9 recommendations to the Commission?</p> <p>10 A. In the contested case proceedings, I think</p> <p>11 we had a duty to make recommendations to the</p> <p>12 Commission.</p> <p>13 Q. We're talking about the project, talking</p> <p>14 about the BLRA.</p> <p>15 A. I don't know of any reporting duty. I don't</p> <p>16 know of any reporting duty. And that's not to say we</p> <p>17 didn't have any. I don't know of any reporting duty</p> <p>18 that the ORS had outside of the contested case</p> <p>19 provision.</p> <p>20 Q. So is it your testimony that the ORS had no</p> <p>21 responsibility to make appropriate recommendations to</p> <p>22 the Commission with respect to rates charged or</p> <p>23 proposed to be charged by any public utility,</p> <p>24 including under the BLRA?</p> <p>25 A. We're not communicating. What I'm saying is</p>	<p style="text-align: right; margin-right: 50px;">92</p> <p>1 modifications to the schedule and costs as approved</p> <p>2 by the Commission related to the project, the ORS</p> <p>3 assumed that duty?</p> <p>4 A. Yeah, I think we did, yes, sir. Based on --</p> <p>5 all this is based on information we had at the time</p> <p>6 and the mission statement we had at the time.</p> <p>7 Q. And so in light of ORS's assumption of those</p> <p>8 duties, you directed the ORS staff to monitor the</p> <p>9 project, right?</p> <p>10 A. I don't remember actually directly</p> <p>11 monitoring the project but, I mean, that was the</p> <p>12 whole idea.</p> <p>13 Q. Right. And the ORS hired an expert in</p> <p>14 nuclear construction to assist in evaluating the</p> <p>15 project, right?</p> <p>16 A. I think that we hired Mister -- we</p> <p>17 originally hired a guy named Chris, I think, but then</p> <p>18 we hired Gary Jones who I would consider an expert.</p> <p>19 Q. And you yourself were involved in collecting</p> <p>20 information related to the project, right?</p> <p>21 A. Not me, no, sir. I got information from the</p> <p>22 staff, but I didn't go out there and monitor or</p> <p>23 review documents.</p> <p>24 Q. I'm not asking whether you reviewed and</p> <p>25 monitored. I'm asking whether or not you were</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

93	<p>1 involved in collecting information related to the</p> <p>2 project.</p> <p>3 A. I wasn't involved in -- I don't think so.</p> <p>4 Q. Didn't you have regular meetings with SCE&G</p> <p>5 employees that involved discussion of issues</p> <p>6 associated with the project?</p> <p>7 A. I had -- I had some meetings with SCE&G,</p> <p>8 exactly, yes.</p> <p>9 Q. And sometimes that involved discussion of</p> <p>10 issues associated with the project, right?</p> <p>11 A. Right.</p> <p>12 Q. And that was part of your discharging these</p> <p>13 duties that you assumed, right?</p> <p>14 A. I would think so.</p> <p>15 Q. And in light of the ORS's authority, it had</p> <p>16 the ability to ask SCE&G for additional information</p> <p>17 so that it could review, investigate and make</p> <p>18 appropriate recommendations to the Commission when it</p> <p>19 came to project; isn't that right?</p> <p>20 A. We would have to know the information</p> <p>21 existed to ask for it; but, yes, if we knew the</p> <p>22 information existed, yes.</p> <p>23 Q. And in fact, that was not only an ability</p> <p>24 but that was a responsibility of the ORS; was it not?</p> <p>25 MR. LIGHTSEY: Object to the form.</p>	95	<p>1 Development. His responsibility -- there was two</p> <p>2 basically, you know, Anthony's responsibility was to</p> <p>3 work with Gary Jones and Gene and Allyn Powell to</p> <p>4 monitor the construction.</p> <p>5 Q. And then you mentioned, Ms. Allyn Powell.</p> <p>6 A. Yes.</p> <p>7 Q. How would you generally describe</p> <p>8 Ms. Powell's responsibilities?</p> <p>9 A. I think she was called maybe a Program</p> <p>10 Manager or something. But she and Gene had more</p> <p>11 day-to-day interaction.</p> <p>12 Q. You mentioned Gene; that's Gene Soult,</p> <p>13 right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. How would you describe Gene Soult's</p> <p>16 responsibilities as it related to the project?</p> <p>17 A. I didn't directly supervise him so I don't</p> <p>18 know what his day-to-day responsibility was. I do</p> <p>19 know that he was out there two or three days a week,</p> <p>20 I think, but I don't -- I didn't directly supervise</p> <p>21 him and I didn't draw up his position description, so</p> <p>22 to speak.</p> <p>23 Q. We have already talked about Mr. Jones, Gary</p> <p>24 Jones. What did you understand Mr. Jones'</p> <p>25 responsibilities to be as it related to the project?</p>
94	<p>1 THE WITNESS: I mean, you would</p> <p>2 have to know it existed. I mean, I would think</p> <p>3 if we knew something existed that was pertinent</p> <p>4 and we needed, I would think we had the</p> <p>5 responsibility to ask for it.</p> <p>6 BY MR. CHALLY:</p> <p>7 Q. Ask for it and then to ultimately furnish to</p> <p>8 the Commission what you thought was necessary for the</p> <p>9 Commission to evaluate, right?</p> <p>10 A. In the -- in the contested case hearings, we</p> <p>11 had a responsibility to do that, we did have.</p> <p>12 Q. Are you, other than within these contested</p> <p>13 case proceedings, are you aware of any instance in</p> <p>14 which you or the ORS failed in this responsibility?</p> <p>15 A. Not based on what we knew at the time.</p> <p>16 Q. Now, there was a team that worked underneath</p> <p>17 you to provide oversight for V.C. Summer, right?</p> <p>18 A. To monitor V.C. Summer.</p> <p>19 Q. Right, and there was Anthony James; isn't</p> <p>20 that right?</p> <p>21 A. Anthony James was one.</p> <p>22 Q. What did you understand Anthony James'</p> <p>23 responsibilities to include as it related to the</p> <p>24 project?</p> <p>25 A. He was Director of the New Nuclear</p>	96	<p>1 A. Again, I didn't draw up that contract, but</p> <p>2 to me, he was our expert to -- in monitoring the</p> <p>3 project.</p> <p>4 Q. All right. Did you direct these individuals</p> <p>5 to provide you with information they learned related</p> <p>6 to the project?</p> <p>7 A. I don't think I ever directed them. What we</p> <p>8 did was, you know, when they provided me some</p> <p>9 information on a monthly basis, I mean, they knew to</p> <p>10 do -- I think they knew to do that.</p> <p>11 Q. That was part of their responsibility?</p> <p>12 A. I would think so. I didn't draw up their</p> <p>13 position --</p> <p>14 Q. And you wanted them to provide you with</p> <p>15 accurate and complete information?</p> <p>16 A. Yes, I would think so.</p> <p>17 Q. And you would have expected them to convey</p> <p>18 to you anything that they thought would be material;</p> <p>19 isn't that right?</p> <p>20 A. I would think they would.</p> <p>21 Q. Was there any information that you ever told</p> <p>22 them to withhold from you?</p> <p>23 A. No, sir.</p> <p>24 Q. All right. Are you aware --</p> <p>25 A. I don't think I did. I don't think I would</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

97	<p>1 ask them to withhold information from me.</p> <p>2 Q. Are you aware today of these personnel</p> <p>3 withholding any information from you related to the</p> <p>4 project?</p> <p>5 A. I don't think so.</p> <p>6 Q. All right.</p> <p>7 A. I don't have any memory of it.</p> <p>8 Q. How would this information that they were to</p> <p>9 provide to you be communicated to you? You said</p> <p>10 monthly; is that right?</p> <p>11 A. Well, generally speaking, I think you got</p> <p>12 some letters there. We would update people with a</p> <p>13 review committee letter, and they would provide the</p> <p>14 information in the form of a review committee letter.</p> <p>15 Now, there was a time that we met when Gary</p> <p>16 was here, we met monthly, and met out at the Co-ops,</p> <p>17 with the Co-ops, and I don't know whether Central was</p> <p>18 there or not, but where they would review what they</p> <p>19 found and then they would write it up for me.</p> <p>20 Q. So you had monthly meetings with Gary Jones;</p> <p>21 is that right?</p> <p>22 A. Well, not from the very beginning. But in</p> <p>23 the 2016 era, I think that that would be an accurate</p> <p>24 statement; that generally we met monthly. Because he</p> <p>25 came in monthly. He did stuff from Chicago, but he</p>	99	<p>1 A. I could have, I mean, I may have.</p> <p>2 Q. Do you recall an instance in which you</p> <p>3 decided that you were going to intentionally delete</p> <p>4 reports you received regarding the project status?</p> <p>5 A. Delete reports -- I don't think so.</p> <p>6 Q. Isn't it true that the ORS believes its</p> <p>7 subject to FOIA?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you ever take steps to avoid having</p> <p>10 certain documents related to the project in your</p> <p>11 possession so that you could avoid obligations under</p> <p>12 FOIA?</p> <p>13 A. Yes, sir, I think we did.</p> <p>14 Q. What steps did you take in that regard?</p> <p>15 A. Well, just were careful about notes we took</p> <p>16 in meetings. We were -- there was a confidential</p> <p>17 locker that we didn't have access to except through</p> <p>18 them or something like that but --</p> <p>19 Q. And that was put in place in part so that</p> <p>20 the ORS could avoid obligations it had under FOIA?</p> <p>21 A. In order to comply with SCE&G's requirement</p> <p>22 that it remain confidential.</p> <p>23 Q. So are you -- did you take steps to avoid</p> <p>24 obligations the ORS had under FOIA with respect to</p> <p>25 letters that you sent to SCE&G?</p>
98	<p>1 actually came to town monthly.</p> <p>2 Q. You also received written summaries that</p> <p>3 were prepared by Gary Jones, for instance?</p> <p>4 A. Yeah, those were the -- those summaries was</p> <p>5 what was in the review committee letters.</p> <p>6 Q. Did you ever, at any point, intentionally</p> <p>7 delete information related to the project?</p> <p>8 A. When we settled the 2015 case, we didn't put</p> <p>9 Gary Jones up. We just used the Director, because we</p> <p>10 had a settlement in that case. But I don't think --</p> <p>11 other than that, I don't think that -- tell me your</p> <p>12 question again.</p> <p>13 Q. Did you ever intentionally delete</p> <p>14 information you had related to the project?</p> <p>15 A. Intentionally deleting -- you're talking</p> <p>16 about in an e-mail or something?</p> <p>17 Q. E-mail, letters, hard copy documents, any</p> <p>18 information or data that you had, did you ever</p> <p>19 intentionally do that?</p> <p>20 A. I'm sure I probably did.</p> <p>21 Q. Okay. What about reports you received</p> <p>22 regarding the project status, do you recall deleting</p> <p>23 any of that?</p> <p>24 A. I think all those are there.</p> <p>25 Q. So you're --</p>	100	<p>1 A. Yes, sir.</p> <p>2 Q. So how did you do that?</p> <p>3 A. Well, we didn't -- we didn't -- the ones</p> <p>4 that were sent to SCE&G, my understanding with Byron</p> <p>5 was that we couldn't keep copies of it; they would</p> <p>6 have copies.</p> <p>7 Q. What about your communications with the</p> <p>8 Governor related to the project?</p> <p>9 A. I don't know that I had a direct</p> <p>10 conversation with the Governor.</p> <p>11 Q. Did you ever send a letter to the Governor</p> <p>12 of South Carolina related to status of the project?</p> <p>13 A. Yes, sir.</p> <p>14 Q. All right.</p> <p>15 A. Not to the Governor but to his staff.</p> <p>16 Q. To whom?</p> <p>17 A. Well, if you're talking about Governor</p> <p>18 McMaster, then it would go to Ms. Taylor and then</p> <p>19 perhaps Mr. Limehouse.</p> <p>20 Q. What about Governor Haley?</p> <p>21 A. Under Governor Haley, there was a time I</p> <p>22 picked up -- and this wasn't continuous, but I picked</p> <p>23 up sending it to her Chief of Staff, and her Chief</p> <p>24 Counsel, and maybe the Deputy Chief Counsel.</p> <p>25 Q. How many letters did you send?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

101	<p>1 A. I generally sent them monthly, but there was</p> <p>2 times when, particularly the 2016 era, that I sent</p> <p>3 maybe more than once a month. But generally they</p> <p>4 were monthly.</p> <p>5 Q. Where are those letters now?</p> <p>6 A. In the files of the Commission, I would</p> <p>7 suppose.</p> <p>8 Q. Did you understand that those documents</p> <p>9 still exist are in the files of Office of Regulatory</p> <p>10 Staff?</p> <p>11 A. Yeah, I don't think the document that</p> <p>12 exists -- what I think the administrative people did</p> <p>13 was they did the list merge, so my understanding is</p> <p>14 there's copies of those letters in the files of the</p> <p>15 ORS now to the review committee, yes, sir.</p> <p>16 MR. CHALLY: Let's switch the tape</p> <p>17 real quick. I'm not ready for a lunch break, but</p> <p>18 let's switch the tape.</p> <p>19 THE VIDEOGRAPHER: This concludes</p> <p>20 media number one in the video deposition of Dukes</p> <p>21 Scott. The time is 12:07. We are now off the</p> <p>22 record.</p> <p>23 (A recess was taken.)</p> <p>24 THE VIDEOGRAPHER: Back on the</p> <p>25 record. Today's date is November 7, 2018. The</p>
102	<p>1 time is 12:10. This is the beginning of media</p> <p>2 number two in the video deposition of Dukes</p> <p>3 Scott.</p> <p>4 BY MR. CHALLY:</p> <p>5 Q. Mr. Scott, when we broke, you were</p> <p>6 discussing what I understood to be certain monthly</p> <p>7 letters that you sent to members of the Governor's</p> <p>8 staff, either Governor McMaster or Governor Haley</p> <p>9 regarding the project.</p> <p>10 A. Yes, sir. And I don't think I started it</p> <p>11 from the very beginning of Governor Haley's time, but</p> <p>12 sometime during that her race -- not race -- but her</p> <p>13 tenure, I started sending it, probably sometime after</p> <p>14 2014, maybe, when I got to know them through the ice</p> <p>15 storm, and I said I sent a letter to the PERC and</p> <p>16 others, I sent it to y'all, and then continuously --</p> <p>17 see, Ms. Taylor was also her Chief Counsel, and so I</p> <p>18 just continued sending to Ms. Taylor.</p> <p>19 Q. So are these the same letters that you also</p> <p>20 sent to the PERC?</p> <p>21 A. Yes, sir.</p> <p>22 Q. You sent no separate communications to</p> <p>23 either Governor Haley, anyone on her staff, Governor</p> <p>24 McMaster, or anyone on his staff, related to the</p> <p>25 project?</p>
103	<p>1 A. No other -- you know, "no" and "never" and</p> <p>2 "ever" are just -- those are tricky words. I don't</p> <p>3 have any recollection of a special letter to the</p> <p>4 Governor's staff over the PERC staff, but that</p> <p>5 doesn't mean there isn't one out there; I just don't</p> <p>6 have any recollection of it.</p> <p>7 Now, there was, after the abandonment, there</p> <p>8 was an inquiry about what was necessary to preserve,</p> <p>9 I think is the word, the units. And Ms. Powell, I</p> <p>10 don't think she drew the letter for me, I think she</p> <p>11 actually communicated with his outside counsel on</p> <p>12 those issues. I don't know whether -- I don't even</p> <p>13 know -- I don't know whether they put them in the</p> <p>14 PERC letters or not, they might have. But I don't</p> <p>15 recall having separate communication, separate -- the</p> <p>16 only separate communications, as I think through</p> <p>17 this, is in 2017 I visited with Ms. Taylor and</p> <p>18 Mr. Limehouse and was telling them about the project</p> <p>19 and the status of the project, and at that point in</p> <p>20 time, the bankruptcy had happened and I was telling</p> <p>21 them what ORS was -- not ORS -- what SCE&G was</p> <p>22 considering as far as the project itself was</p> <p>23 concerned. So that was a separate communication with</p> <p>24 the Governor's staff. I was actually over there on</p> <p>25 another issue and said, I need to mention this to you</p>
104	<p>1 while I'm here.</p> <p>2 Q. Okay. So other than this one communication</p> <p>3 and the PERC letters, you don't recall sending a</p> <p>4 single written communication to Governor Haley,</p> <p>5 Governor McMaster, or any member of their staff</p> <p>6 regarding the project?</p> <p>7 A. I don't remember, but if you have got one, I</p> <p>8 would love to see it.</p> <p>9 Q. What about communications with Santee Cooper</p> <p>10 related to the project? Did you have written</p> <p>11 communication with Santee Cooper related to the</p> <p>12 project?</p> <p>13 A. I don't think there is going to be any</p> <p>14 communications from me to Santee Cooper about the</p> <p>15 project.</p> <p>16 Q. I didn't ask you whether there -- did you</p> <p>17 ever have communications with Santee Cooper related</p> <p>18 to the project, written communications?</p> <p>19 A. I don't think so.</p> <p>20 Q. Did you ever take steps to avoid having</p> <p>21 documents related to the project in your</p> <p>22 possession -- let me ask that question again.</p> <p>23 Did you ever take steps to avoid having</p> <p>24 communications with Santee Cooper in your possession</p> <p>25 so that you could avoid obligations under FOIA?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

105	<p>1 A. No, sir. I don't think I had any written</p> <p>2 communication.</p> <p>3 Q. What about written communications with the</p> <p>4 Electric Cooperatives of South Carolina?</p> <p>5 A. Tell me what the -- what's the question</p> <p>6 about those communications?</p> <p>7 MR. LIGHTSEY: Object to the form.</p> <p>8 BY MR. CHALLY:</p> <p>9 Q. Yeah. Sorry. Did you have written</p> <p>10 communications with the Electric Cooperatives of</p> <p>11 South Carolina related to the status of the project?</p> <p>12 A. The -- yes, I think I did.</p> <p>13 Q. Did you ever take -- well, describe</p> <p>14 generally those communications.</p> <p>15 A. Well, what I -- the same summary that's in</p> <p>16 PERC letters, there was a time period in which, and</p> <p>17 it would have been probably in the 2016 time frame,</p> <p>18 that I would furnish that to the Cooperatives. Now,</p> <p>19 it wouldn't be a letter to the Cooperatives, it would</p> <p>20 just be a cut, you know, cut-and-paste-type thing</p> <p>21 that I would send to them.</p> <p>22 Q. Did you ever take steps to avoid having</p> <p>23 those documents in your possession so that you could</p> <p>24 avoid obligations under FOIA?</p> <p>25 A. Those documents are still there. There's</p>
106	<p>1 not going to be one addressed to Mr. Couick any more</p> <p>2 than there's going to be one addressed to a member of</p> <p>3 PERC, but the document itself is still there.</p> <p>4 Q. Go ahead.</p> <p>5 A. I just can't remember. It wasn't from the</p> <p>6 beginning to the end, but, yes, I furnished those</p> <p>7 things to Mr. Couick.</p> <p>8 Q. So you had written communications with Mike</p> <p>9 Couick related to the status of the project?</p> <p>10 A. I think the answer is yes, I sent him this</p> <p>11 stuff, and I don't know that you're going to find a</p> <p>12 letter to it.</p> <p>13 Q. Did you ever take steps to avoid having</p> <p>14 those written communications with Mike Couick in your</p> <p>15 possession so that you could avoid obligations under</p> <p>16 FOIA?</p> <p>17 A. I don't think so.</p> <p>18 Q. Is it fair to say that you attempted to have</p> <p>19 the ORS staff collect and review all of the</p> <p>20 information that you thought might be important to</p> <p>21 the status of the project?</p> <p>22 A. I mean, ask me the question again.</p> <p>23 (The record was read as requested.)</p> <p>24 A. I would think that's what they would be</p> <p>25 doing, but I don't know that you're going to find</p>
107	<p>1 anything from me direct to them verbatim that.</p> <p>2 Q. And the ORS staff in fact had access to</p> <p>3 various information about the project; isn't that</p> <p>4 right?</p> <p>5 A. Yeah, they must have.</p> <p>6 Q. And you are aware of the fact that the ORS</p> <p>7 attended meetings on-site?</p> <p>8 A. Yes.</p> <p>9 Q. And that the ORS staff received reports from</p> <p>10 the consortium member?</p> <p>11 A. I don't know about the reports from the</p> <p>12 consortium members.</p> <p>13 Q. We'll come back to that in a second.</p> <p>14 But you're certainly aware that the ORS</p> <p>15 staff received reports from SCE&G?</p> <p>16 A. They got the same quarterly report that they</p> <p>17 filed with the Commission.</p> <p>18 Q. And the ORS staff issued formal requests for</p> <p>19 documents; isn't that right?</p> <p>20 A. I would think so.</p> <p>21 Q. The ORS staff actually issued formal</p> <p>22 Interrogatories; did they not?</p> <p>23 A. If they sent Interrogatories as such, that</p> <p>24 must have been after I was gone.</p> <p>25 Q. Okay. Well, requests for information in</p>
108	<p>1 narrative form rather than documents; you're aware</p> <p>2 that they did that, correct?</p> <p>3 A. I don't know.</p> <p>4 Q. We'll talk about some of those later today.</p> <p>5 Are you aware the ORS staff had regular</p> <p>6 meetings with SCE&G personnel to gain a better</p> <p>7 understanding of the status of the project?</p> <p>8 A. Please say that again?</p> <p>9 Q. Are you aware that the ORS staff had regular</p> <p>10 meetings with SCE&G personnel to gain a better</p> <p>11 understanding of the status of the project?</p> <p>12 A. I'm not aware of a specific meetings but I</p> <p>13 would think so.</p> <p>14 Q. And you yourself were involved in some of</p> <p>15 these efforts to collect information related to the</p> <p>16 project, right?</p> <p>17 A. Based on what you're saying, yes.</p> <p>18 Q. And you yourself received reports from SCE&G</p> <p>19 personnel regarding the status of the project, right?</p> <p>20 A. I don't remember getting reports from SCE&G.</p> <p>21 That's not to say I didn't, but I don't remember</p> <p>22 getting written reports from SCE&G personally.</p> <p>23 Q. But you received information from SCE&G</p> <p>24 orally and in writing regarding the status of the</p> <p>25 project?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

109	<p>1 A. I know I received it orally and maybe in</p> <p>2 writing.</p> <p>3 Q. Isn't it true that you had access to some of</p> <p>4 SCE&G' and SCANA's most senior executives --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- to discuss issues related to the project?</p> <p>7 A. Yes.</p> <p>8 Q. You regularly met with, for instance, the</p> <p>9 CEO of SCE&G and SCANA, Kevin Marsh?</p> <p>10 A. Not throughout the whole project. We</p> <p>11 started meeting regularly, I would call it regularly</p> <p>12 but not every month, in 2017. But I don't remember</p> <p>13 regular meetings, but there were other meetings.</p> <p>14 Q. You started -- I'm going to make sure we got</p> <p>15 that date right. You said you started having regular</p> <p>16 meetings with Mr. Marsh in 2017?</p> <p>17 A. That's my memory.</p> <p>18 Q. But you had meetings with Mr. Marsh prior to</p> <p>19 that time regarding the status of the project?</p> <p>20 A. Oh, yes, yes.</p> <p>21 Q. Did you have a regular interval in which you</p> <p>22 had those meetings?</p> <p>23 A. No. No, sir, I didn't have.</p> <p>24 Q. Now, when you decided you needed a meeting,</p> <p>25 you would contact Mr. Marsh and request that --</p>	111	<p>1 right?</p> <p>2 A. Yes. Not necessarily about the project.</p> <p>3 Q. Yeah. You had a weekly session scheduled</p> <p>4 for -- with Mr. Jackson and Mr. Hinson for drinks,</p> <p>5 didn't you?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And that also included SCE&G outside</p> <p>8 counsel; did it not?</p> <p>9 A. Yes.</p> <p>10 Q. And those outside counsel were Mitch</p> <p>11 Willoughby and Belton Zeigler?</p> <p>12 A. Yes, sir. Now everybody wasn't there every</p> <p>13 Thursday and neither were we, but we did get</p> <p>14 together.</p> <p>15 Q. Okay.</p> <p>16 A. It wasn't for the purpose to discuss the</p> <p>17 Summer project.</p> <p>18 (Exhibit No. 4 was marked for</p> <p>19 identification.)</p> <p>20 Q. Okay. Mr. Scott, I have handed you what I</p> <p>21 have marked as Exhibit 4 to your deposition. It's an</p> <p>22 e-mail from Mitch Willoughby to a series of people,</p> <p>23 including you.</p> <p>24 A. Yes, sir.</p> <p>25 Q. I just want to make sure I've got the</p>
110	<p>1 A. It would generally be the other way around;</p> <p>2 they decided the meeting.</p> <p>3 Q. Did you ever request a meeting of Mr. Marsh</p> <p>4 that was denied?</p> <p>5 A. Yes, I think the answer to that is yes.</p> <p>6 Q. When?</p> <p>7 A. Okay. In 2017, and I don't know whether it</p> <p>8 was Mr. Marsh or not, but in 2017, after the -- and</p> <p>9 this was after the Toshiba issue in December of 2016,</p> <p>10 I discovered that there was a meeting with -- between</p> <p>11 Westinghouse, I believe it was, and SCANA people, and</p> <p>12 I requested to have -- I don't know whether I wanted</p> <p>13 me personally to be there because I don't know that</p> <p>14 that would have done any good, but I requested that</p> <p>15 ORS have a representative there, and it was denied.</p> <p>16 Q. Any other meeting that you requested to have</p> <p>17 with Kevin Marsh that was denied?</p> <p>18 A. No, sir. He was very accessible.</p> <p>19 Q. You spoke to Kenny Jackson regarding the</p> <p>20 status of the project somewhat regularly, correct?</p> <p>21 A. Yes, I mean, we spoken a lot.</p> <p>22 Q. And same for Byron Hinson?</p> <p>23 A. Yes.</p> <p>24 Q. In fact, you met with some of those</p> <p>25 individuals that I just described almost weekly,</p>	112	<p>1 context. Were the recipients of this e-mail, Nanette</p> <p>2 Edwards, Dukes Scott, Byron Hinson, Kenny Jackson,</p> <p>3 Belton Zeigler, and then the sender of this e-mail,</p> <p>4 Mitch Willoughby, the regular invitees to your weekly</p> <p>5 meeting for drinks?</p> <p>6 A. For drinks, yes, sir. They weren't for any</p> <p>7 particular business purpose. We bought our own</p> <p>8 drinks.</p> <p>9 Q. I understand. But you were able to meet</p> <p>10 regularly, and this was exclusive to ORS staff and</p> <p>11 SCE&G representatives; isn't that right?</p> <p>12 A. Oh, that would be -- that would be, yes.</p> <p>13 Q. So you had the opportunity to discuss issues</p> <p>14 related to the project if you decided you needed to</p> <p>15 discuss those issues?</p> <p>16 A. Well, that wasn't the purpose of the</p> <p>17 meeting. I try not to do that over drinks, so that</p> <p>18 wouldn't be something I would generally do.</p> <p>19 Q. Are you familiar with the fact that the ORS</p> <p>20 interacted with the consortium at least on a</p> <p>21 quarterly basis?</p> <p>22 A. I mean, I would accept you telling me that.</p> <p>23 I don't know that.</p> <p>24 Q. You don't have any reason to dispute the</p> <p>25 fact that they had those quarterly meetings?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">113</p> <p>1 A. I don't have any reason to dispute it.</p> <p>2 Q. You just don't recall whether or not they</p> <p>3 had those meetings?</p> <p>4 A. I don't know that I was ever told they met</p> <p>5 for quarterly meetings.</p> <p>6 Q. Would you have expected them to have those</p> <p>7 meetings?</p> <p>8 A. I would expect them to do what they thought</p> <p>9 was necessary.</p> <p>10 Q. Do you recall ORS personnel ever reporting</p> <p>11 to you about what they learned at these meetings with</p> <p>12 the consortium?</p> <p>13 A. I would imagine. I mean, I would think that</p> <p>14 some of the stuff in the letters might have come from</p> <p>15 there but not specifically.</p> <p>16 Q. So do you recall the ORS staff communicating</p> <p>17 to you issues related to, for instance, performance</p> <p>18 factors, productivity factors associated with the</p> <p>19 project?</p> <p>20 A. I remember them talking about the</p> <p>21 performance factors, yes, sir.</p> <p>22 Q. Did you yourself receive reports on</p> <p>23 productivity or performance factors on a monthly</p> <p>24 basis?</p> <p>25 A. Not directly to me. Now, it may be in those</p>	<p style="text-align: right;">115</p> <p>1 A. I don't know what that is.</p> <p>2 MR. CHALLY: Okay. Did you want</p> <p>3 to take a break for lunch?</p> <p>4 MR. LIGHTSEY: Sure.</p> <p>5 THE VIDEOGRAPHER: Off the record</p> <p>6 at 12:25.</p> <p>7 (A recess was taken.)</p> <p>8 THE VIDEOGRAPHER: Back on the</p> <p>9 record 13:29.</p> <p>10 BY MR. CHALLY:</p> <p>11 Q. Mr. Scott, ORS was aware in early 2015 that</p> <p>12 SCE&G was considering conducting an independent</p> <p>13 assessment of the project; were they not?</p> <p>14 A. I don't know.</p> <p>15 Q. You said that you saw Interrogatory</p> <p>16 responses that the ORS provided in the context of the</p> <p>17 PSC proceedings, correct?</p> <p>18 A. No, sir.</p> <p>19 MR. LIGHTSEY: Object to the form.</p> <p>20 MR. BELL: Object to the form of</p> <p>21 the question.</p> <p>22 THE WITNESS: The answer is "no</p> <p>23 sir."</p> <p>24 BY MR. CHALLY:</p> <p>25 Q. You said that you provided input to those?</p>
<p style="text-align: right;">114</p> <p>1 review committee letters which came to me, but not</p> <p>2 separately, no, sir.</p> <p>3 Q. But you would have expected the ORS staff to</p> <p>4 provide you with information related to productivity</p> <p>5 factors if they thought it significant, correct?</p> <p>6 A. And they did report, not necessarily in a</p> <p>7 report, but they --</p> <p>8 Q. Did you get information regarding the</p> <p>9 percentage completion on the project at various</p> <p>10 points in time?</p> <p>11 A. I saw information regarding percentages.</p> <p>12 Q. Is that something you recall seeing on a</p> <p>13 regular basis?</p> <p>14 A. Not like weekly or monthly, but mainly in</p> <p>15 the modification dockets I think it came up.</p> <p>16 Q. Do you recall receiving information related</p> <p>17 to indirect to direct craft ratios for the project?</p> <p>18 A. There might be something in the review</p> <p>19 committee letters about craft versus others, but I</p> <p>20 don't recall what it is.</p> <p>21 Q. What about non-field manual to direct craft,</p> <p>22 is that a ratio that you recall receiving information</p> <p>23 on?</p> <p>24 A. Sir?</p> <p>25 Q. Non-field manual to direct craft.</p>	<p style="text-align: right;">116</p> <p>1 A. Yes, sir, but I didn't see the final</p> <p>2 responses.</p> <p>3 (Exhibit No. 5 was marked for</p> <p>4 identification.)</p> <p>5 Q. Okay. I've handed you what I have marked as</p> <p>6 Exhibit 5 to your deposition, Mr. Scott.</p> <p>7 A. Yes, sir.</p> <p>8 Q. Can you flip to page nine.</p> <p>9 A. Yes, sir.</p> <p>10 Q. Before I ask a specific question: Is your</p> <p>11 testimony that you have never seen these</p> <p>12 Interrogatory Responses before?</p> <p>13 A. I have not seen the final Responses to the</p> <p>14 Interrogatories.</p> <p>15 Q. Were you -- was the substance of</p> <p>16 Interrogatory Responses regarding Bechtel described</p> <p>17 to you?</p> <p>18 A. No, sir.</p> <p>19 Q. Look with me to page --</p> <p>20 A. Sir?</p> <p>21 Q. Look with me to page nine.</p> <p>22 A. Okay.</p> <p>23 Q. Response to Interrogatory 1-1. Do you see</p> <p>24 that?</p> <p>25 A. Yes, sir.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

117	<p>1 Q. The second sentence says, "Subject to and</p> <p>2 without waiver of the foregoing objections, ORS</p> <p>3 states that in early 2015, Gary Jones learned from</p> <p>4 Skip Smith that SCE&G was considering candidates to</p> <p>5 perform an independent overall assessment."</p> <p>6 A. Yes, sir.</p> <p>7 Q. Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Do you have any reason to dispute that?</p> <p>10 A. No, sir.</p> <p>11 Q. Is it your testimony that Gary Jones didn't</p> <p>12 inform you of what he learned from Skip Smith?</p> <p>13 A. I don't -- I don't recall that he did.</p> <p>14 Q. Do you consider the fact that SCE&G was</p> <p>15 considering candidates to perform an independent</p> <p>16 overall assessment of the project an important fact</p> <p>17 that you would have expected to know?</p> <p>18 MR. LIGHTSEY: Object to the form.</p> <p>19 THE WITNESS: And I don't know the</p> <p>20 answer. I don't -- I don't know.</p> <p>21 BY MR. CHALLY:</p> <p>22 Q. Well, at the time that Mr. Jones was</p> <p>23 informed, as is described here by Skip Smith, you</p> <p>24 were the Executive Director of the ORS?</p> <p>25 A. Yes.</p>
118	<p>1 Q. Is that a fact that you would have wanted to</p> <p>2 know?</p> <p>3 MR. LIGHTSEY: Object to the form.</p> <p>4 THE WITNESS: I would leave it up</p> <p>5 to Mr. Jones to determine how important it was</p> <p>6 for him to tell me, but I don't think that I knew</p> <p>7 about this.</p> <p>8 BY MR. CHALLY:</p> <p>9 Q. Okay. So sitting --</p> <p>10 A. It might be one of those review committee</p> <p>11 letters that I signed, so I am very careful about</p> <p>12 trying to say that. I don't think it is.</p> <p>13 Q. So sitting here today, the fact that SCE&G</p> <p>14 was considering candidates to perform an independent</p> <p>15 overall assessment of the project is not of</p> <p>16 significance to you; is that right?</p> <p>17 A. I'm not saying that. I'm saying the</p> <p>18 significance of that would be up to Mr. Jones; he</p> <p>19 would know the significance of it.</p> <p>20 Q. But to you, personally, it's not a</p> <p>21 significant fact?</p> <p>22 A. I don't know whether -- I mean, it could</p> <p>23 have -- I mean, I would leave it up to Mr. Jones to</p> <p>24 determine whether it's something that I would think</p> <p>25 was significant. But I think the answer to your</p>
119	<p>1 question is: It does seem like that's a significant</p> <p>2 fact.</p> <p>3 Q. Okay. It seems like it's a significant fact</p> <p>4 and you would have expected Mr. Jones to convey to</p> <p>5 you significant facts regarding the project; is that</p> <p>6 right?</p> <p>7 A. I would expect him to convey to me what he</p> <p>8 considers significant enough to tell me at his</p> <p>9 discretion.</p> <p>10 Q. So either you would have -- either Mr. Jones</p> <p>11 conveyed this fact to you and now don't remember that</p> <p>12 he did, or you believe Mr. Jones concluded this fact</p> <p>13 was insignificant at the time; is that right?</p> <p>14 MR. LIGHTSEY: Object to the from.</p> <p>15 THE WITNESS: I don't think he</p> <p>16 thought it was insignificant. I think he thought</p> <p>17 it was very significant. Whether he -- whether</p> <p>18 he thought -- whether he thought to tell me about</p> <p>19 it, I don't know. I don't think that he did.</p> <p>20 BY MR. CHALLY:</p> <p>21 Q. So you don't think Mr. Jones told you of</p> <p>22 this?</p> <p>23 A. I don't think so.</p> <p>24 Q. You think Mr. Jones believed this was</p> <p>25 significant?</p>
120	<p>1 A. I don't know. You can ask Mr. Jones that.</p> <p>2 Q. So sitting here today in 2018, knowing that</p> <p>3 Mr. Jones was informed that SCE&G was considering</p> <p>4 candidates to perform an independent overall</p> <p>5 assessment, are you in any way bothered by the fact</p> <p>6 that you're not sure if Mr. Jones described this to</p> <p>7 you?</p> <p>8 A. I'm not bothered by it. I mean, I have</p> <p>9 complete faith in Mr. Jones. And he may have told</p> <p>10 me. I don't know. Y'all have taken his deposition</p> <p>11 and I don't know what he's told you. He may have</p> <p>12 told me about it, but I don't recall that he did.</p> <p>13 Q. It just wasn't significant enough to</p> <p>14 register to you?</p> <p>15 A. I wouldn't say that, because there's a lot</p> <p>16 of things significant enough to register to me that I</p> <p>17 forget.</p> <p>18 Q. All right. Are you familiar with the fact</p> <p>19 that SCE&G asked Gary Jones who SCE&G should use to</p> <p>20 perform the assessment that Mr. Jones is talking</p> <p>21 about?</p> <p>22 A. I don't think so.</p> <p>23 Q. Are you familiar with the fact that</p> <p>24 Mr. Jones suggested, among two other entities,</p> <p>25 Bechtel?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

121	<p>1 A. No, sir.</p> <p>2 Q. You're not familiar with that fact?</p> <p>3 A. No, sir.</p> <p>4 Q. Did Mister -- are you sure whether or not</p> <p>5 Mr. Jones ever told you that fact?</p> <p>6 A. I don't recall that he told me that, that</p> <p>7 fact.</p> <p>8 Q. Do you view that Mr. Jones suggested to</p> <p>9 SCE&G, among others, Bechtel as a candidate to</p> <p>10 perform this assessment as a significant fact today?</p> <p>11 A. I would think -- right, I think that would</p> <p>12 be a significant fact, but there is a lot of -- never</p> <p>13 mind, go ahead.</p> <p>14 Q. Okay. So you think that's a significant</p> <p>15 fact, but you can't recall Mr. Jones telling you that</p> <p>16 fact in 2016?</p> <p>17 A. No, sir.</p> <p>18 Q. Do you have any reason to doubt that he did?</p> <p>19 A. I don't have any reason to --</p> <p>20 MR. LIGHTSEY: Object to the form.</p> <p>21 THE WITNESS: I don't have any</p> <p>22 reason either way to doubt it or not doubt it.</p> <p>23 BY MR. CHALLY:</p> <p>24 Q. Do you recall Mr. Jones ever telling you</p> <p>25 about a conversation regarding SCE&G's intent to</p>
122	<p>1 consider candidates perform an independent assessment</p> <p>2 of the project?</p> <p>3 A. Please say that again?</p> <p>4 (The record was read as requested.)</p> <p>5 A. No, sir, I don't recall any.</p> <p>6 Q. Sitting here today, are you aware of</p> <p>7 Mr. Jones failing to provide you with material</p> <p>8 information related to the project?</p> <p>9 MR. LIGHTSEY: Object to the form.</p> <p>10 THE WITNESS: No, sir.</p> <p>11 BY MR. CHALLY:</p> <p>12 Q. All right. Now, you also understand, do you</p> <p>13 not, Mr. Scott, that Gene Soult became aware in</p> <p>14 October of 2015 that Bechtel had in fact performed an</p> <p>15 assessment of the project?</p> <p>16 MR. LIGHTSEY: Object to the form.</p> <p>17 THE WITNESS: I don't know when --</p> <p>18 I don't know when Mr. Soult learned of that but I</p> <p>19 think Mr. Soult did learn about that.</p> <p>20 BY MR. CHALLY:</p> <p>21 Q. Even prior to that time, are you familiar</p> <p>22 with the fact that Gene Soult was informed that</p> <p>23 SCE&G's legal office was handling an external review</p> <p>24 of the project?</p> <p>25 A. Prior to what time?</p>
123	<p>1 Q. Prior to October of 2015.</p> <p>2 A. I don't think I knew that.</p> <p>3 Q. And you said that you are aware that</p> <p>4 Mr. Soult became informed that Bechtel had in fact</p> <p>5 performed an assessment of the project; is that</p> <p>6 right?</p> <p>7 A. I'm aware of it today. I wasn't aware of it</p> <p>8 then, if you're talking about 2015.</p> <p>9 Q. So you see the sentence in this</p> <p>10 Interrogatory Response, "On October 15, 2015,</p> <p>11 Mr. Soult attended a plan-of-the-day session in which</p> <p>12 an unknown individual made comments that indicated he</p> <p>13 had participated in an assessment of the project."</p> <p>14 A. I read that now, yes, sir.</p> <p>15 Q. And the next sentence, "As the individual</p> <p>16 finished his statement, he and another unknown</p> <p>17 individual picked up hats which were labeled with</p> <p>18 Bechtel."</p> <p>19 And then the paragraph concludes, "This</p> <p>20 event made Mr. Soult think that Bechtel may have</p> <p>21 conducted some type of review of the project."</p> <p>22 A. I have got no reason to dispute that. I</p> <p>23 mean, I'm sure if Mr. Soult said that, that's</p> <p>24 accurate.</p> <p>25 Q. Okay. But it's your testimony that you</p>
124	<p>1 don't recall Mr. Soult ever informing you of these</p> <p>2 facts?</p> <p>3 A. I don't recall being informed of these</p> <p>4 facts.</p> <p>5 Q. Do you consider these to be significant</p> <p>6 facts in connection with the project?</p> <p>7 A. Well --</p> <p>8 MR. LIGHTSEY: Object to the form.</p> <p>9 THE WITNESS: I am not a</p> <p>10 construction engineer by any means, and I would</p> <p>11 depend on them to make the determination as to</p> <p>12 whether that's something that -- they do a lot of</p> <p>13 monitoring, and so it's -- I would leave it to</p> <p>14 their discretion as to whether.</p> <p>15 BY MR. CHALLY:</p> <p>16 Q. Sitting here today, do you believe those</p> <p>17 facts to be significant?</p> <p>18 A. Knowing what I know today, yes, sir.</p> <p>19 Q. Do you wish you would have had more, a</p> <p>20 greater awareness of Mr. Soult's interaction with</p> <p>21 these individuals in 2015?</p> <p>22 A. The answer to that is probably yes, knowing</p> <p>23 what I know now. But at the time, under the</p> <p>24 different conditions and believing everything done in</p> <p>25 good faith and transparent, it may have been</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">125</p> <p>1 significant to me to know that SCE&G was having this</p> <p>2 performed as a way of trying to complete the project</p> <p>3 and do the project. So I don't know that I would</p> <p>4 have viewed it as a negative that they did it, it</p> <p>5 might have been a positive under the circumstances</p> <p>6 that existed at the time. Now, the circumstance as</p> <p>7 it exists today, I've got a different view of it.</p> <p>8 But the fact that they were doing a --</p> <p>9 having an assessment done, I think would be -- would</p> <p>10 be something that they would monitor and keep going</p> <p>11 with it. But based on what we thought our</p> <p>12 relationship was with SCE&G and SCANA at the time, I</p> <p>13 would probably have thought, you know, that this is</p> <p>14 probably good, we were anxious to learn the, you</p> <p>15 know, learn the results of it.</p> <p>16 Q. So your reaction in 2015, you're expecting,</p> <p>17 would have been that this was a good thing?</p> <p>18 A. It could have could been. I don't know. I</p> <p>19 mean, but it could have been viewed as a good thing.</p> <p>20 Q. Let me ask it again, I'm not sure I got an</p> <p>21 answer to this question, Mr. Scott: Do you wish you</p> <p>22 would have known more about Mr. Soult's exchange in</p> <p>23 2015 than you can now recall knowing?</p> <p>24 A. Under the -- what I know today, yes, sir.</p> <p>25 Q. And what is it that you know today that</p>	<p style="text-align: right;">127</p> <p>1 something you don't know about.</p> <p>2 BY MR. CHALLY:</p> <p>3 Q. Are you aware of the fact that ORS staff,</p> <p>4 following this plan-of-the-day meeting, asked SCE&G</p> <p>5 about the Bechtel assessment in an October 2015</p> <p>6 on-site visit?</p> <p>7 A. I didn't know about it in October of 2015.</p> <p>8 After the Bechtel report became public, I believe</p> <p>9 that I was told about it.</p> <p>10 (Exhibit No. 6 was marked for</p> <p>11 identification.)</p> <p>12 Q. Mr. Scott, I have handed you what I have</p> <p>13 marked as Exhibit 6. The first page of this document</p> <p>14 is an e-mail, and you're not on this e-mail. But the</p> <p>15 second page is a --</p> <p>16 A. Did you say I was on this e-mail?</p> <p>17 Q. You are not.</p> <p>18 A. Okay.</p> <p>19 Q. The second page is a Site Visit Agenda. Are</p> <p>20 you familiar with the fact that ORS staff</p> <p>21 participated in site visits?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And specifically that Mr. Jones participated</p> <p>24 in those site visits?</p> <p>25 A. I mean, I never went with him out there, but</p>
<p style="text-align: right;">126</p> <p>1 causes you to want to have more information in 2015?</p> <p>2 A. Simply because of the result that happened.</p> <p>3 I may still have a job today if we would have known</p> <p>4 more. But at the time, I still think it could have</p> <p>5 been viewed as a positive that they realized they</p> <p>6 needed someone to come in and do an assessment for</p> <p>7 it. But that would have been based on information</p> <p>8 that I knew then, different than information that I</p> <p>9 don't know now.</p> <p>10 Q. So you did nothing to follow up on knowledge</p> <p>11 that Mr. Soult gained in 2015 regarding a Bechtel</p> <p>12 assessment of the project, right?</p> <p>13 MR. LIGHTSEY: Object to the form.</p> <p>14 THE WITNESS: I don't know how you</p> <p>15 follow up on something you don't know about.</p> <p>16 BY MR. CHALLY:</p> <p>17 Q. But you didn't -- exactly. You didn't know</p> <p>18 anything about it, so you did nothing to follow up on</p> <p>19 whatever it was Mr. Soult was informed of in October</p> <p>20 of 2015?</p> <p>21 MR. LIGHTSEY: Object to the form.</p> <p>22 THE WITNESS: Well, I mean --</p> <p>23 yeah, I mean, I don't think the answer to that is</p> <p>24 yes or no. I don't know how you can follow up on</p> <p>25 something and be accused of doing nothing about</p>	<p style="text-align: right;">128</p> <p>1 my understanding is he participated in site visits.</p> <p>2 Q. And you relied on Mr. Jones to identify for</p> <p>3 you what was significant or not from the site visits</p> <p>4 he conducted; is that right?</p> <p>5 A. Well, not just Mr. Jones. I mean, you had</p> <p>6 Anthony and you've got Allyn Powell and you've got</p> <p>7 Gene Soult out there.</p> <p>8 Q. So you relied on those individuals to inform</p> <p>9 you of what was significant or not from the site</p> <p>10 visits; is that right?</p> <p>11 A. I think that's right.</p> <p>12 Q. And if they learned of something</p> <p>13 significant, your expectation would have been that</p> <p>14 you were then informed of that information?</p> <p>15 A. Somebody would have been. It might have</p> <p>16 been Ms. Edwards as Deputy Executive Director or Dan</p> <p>17 Arnett before he retired, but they would go up the</p> <p>18 chain.</p> <p>19 Q. Okay. Flip with me to page five. Under</p> <p>20 Section 6, d --</p> <p>21 A. Uh-huh.</p> <p>22 Q. There is a note for, "Discuss the status of</p> <p>23 the Bechtel assessment and the top ten issues noted</p> <p>24 thus far."</p> <p>25 A. Sir?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

129	131
<p>1 Q. I'm just reading the sentence, "Discuss the</p> <p>2 status of the Bechtel assessment and the top ten</p> <p>3 issues noted thus far."</p> <p>4 A. Oh, yes, sir.</p> <p>5 Q. Do you see that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. So is it your testimony that you were</p> <p>8 unaware of the fact that ORS staff included this item</p> <p>9 on the agenda for the October 27-28, 2015 site visit?</p> <p>10 A. At that time, I was unaware of it.</p> <p>11 Q. When did you become aware of it?</p> <p>12 A. When I read the Interrogatories from SCE&G,</p> <p>13 and there is some question in the Interrogatory from</p> <p>14 SCE&G regarding this agenda item, I believe. I did</p> <p>15 not see the response of ORS to the question.</p> <p>16 Q. All right.</p> <p>17 A. And I'm going by memory here.</p> <p>18 Q. Did you ever attend an on-site visit?</p> <p>19 A. Not an official on-site visit. At one</p> <p>20 point, I went out with Ms. Edwards, and it was, I</p> <p>21 think it was a Friday, and he gave us a tour of it</p> <p>22 but not a -- but that's the only time I went out</p> <p>23 there, that I recall. Well, other than maybe a</p> <p>24 meeting. But that wasn't an on-site -- I mean it was</p> <p>25 on-site and it was a visit but we didn't talk; he</p>	<p>1 was a October -- it might have been October 27-28, I</p> <p>2 don't know.</p> <p>3 Q. The letter might have been?</p> <p>4 A. It might have been. And I thought it</p> <p>5 referred to the site visit, but I haven't read that</p> <p>6 letter in a long time.</p> <p>7 Q. Do you recall getting a report from</p> <p>8 Mr. Jones about this site visit?</p> <p>9 A. Not specifically from Mr. Jones.</p> <p>10 Q. Did Mr. Jones, in 2015, regularly report to</p> <p>11 you following his site visits?</p> <p>12 A. In 2015, I did not have a regular meeting</p> <p>13 with Mr. Jones.</p> <p>14 Q. But you later began to have those regular</p> <p>15 meetings following site visits in 2016; is that</p> <p>16 right?</p> <p>17 A. It would have been maybe later part of 2015</p> <p>18 and 2016 we would start meeting.</p> <p>19 Q. So it was your expectation that in October</p> <p>20 of 2015 when this site visit occurred that you had a</p> <p>21 meeting with Mr. Jones to discuss the site visit?</p> <p>22 A. I don't think I had a meeting to discuss the</p> <p>23 site visit at that time. But I think -- I think</p> <p>24 there is something in a review committee letter about</p> <p>25 it. I believe that to be true, but I may be wrong.</p>
130	132
<p>1 just showed us around.</p> <p>2 Q. But you don't have any memory of, one way or</p> <p>3 the other, attending an October 2015 site visit; is</p> <p>4 that right?</p> <p>5 A. No, sir.</p> <p>6 Q. Did your staff report back to you about this</p> <p>7 particular site visit?</p> <p>8 A. There is something in the review committee</p> <p>9 letter about it.</p> <p>10 Q. What do you recall being in a review</p> <p>11 committee letter?</p> <p>12 A. I don't remember what's in there but there</p> <p>13 is something in the review committee about a site</p> <p>14 visit in October.</p> <p>15 Q. And what specific letter are you referring</p> <p>16 to?</p> <p>17 A. It would have been probably the -- I think</p> <p>18 it was the letter, like October 22nd or something</p> <p>19 like that.</p> <p>20 Q. So you think there was -- oh, a letter sent</p> <p>21 in advance of this meeting?</p> <p>22 A. No, sir. I think it was after the meeting.</p> <p>23 Q. Well, the meeting was scheduled for</p> <p>24 October 27 and October 28.</p> <p>25 A. Oh, no, I must be wrong. I thought there</p>	<p>1 It seems like it was October 22nd -- October --</p> <p>2 Q. What's your best memory of when you began</p> <p>3 having meetings with Mr. Jones after his site visits</p> <p>4 at the project?</p> <p>5 A. I don't remember the date, but it was either</p> <p>6 probably the last part of 2015 and into 2016.</p> <p>7 Q. Meaning October 2015?</p> <p>8 A. I don't know.</p> <p>9 Q. Are you sure you had a meeting with</p> <p>10 Mr. Jones in November of 2015 regarding the site</p> <p>11 visit?</p> <p>12 A. I don't know.</p> <p>13 Q. Would you have expected that you had such a</p> <p>14 meeting, given what your memory is?</p> <p>15 A. Not necessarily. We started those meetings</p> <p>16 in either the last part 2015 or 2016, is my memory is</p> <p>17 when we started them.</p> <p>18 Q. And the purpose for those meetings was for</p> <p>19 Mr. Jones to give you a summary of what he learned</p> <p>20 during his site visits; is that right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And you were relying on Mr. Jones to</p> <p>23 identify for you what was significant or not</p> <p>24 significant from those site visits, correct?</p> <p>25 A. Not just Mr. Jones. I mean, you had others</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">133</p> <p>1 out there; Ms. Powell and Mr. Soult and all, but,</p> <p>2 yes.</p> <p>3 Q. Are you familiar with the fact that this</p> <p>4 particular item on the agenda discussed the status of</p> <p>5 the Bechtel assessment and the top ten issues noted</p> <p>6 thus far was removed from the November site visit</p> <p>7 agenda?</p> <p>8 A. I have learned that again when I gave input</p> <p>9 on the Interrogatories. There is a question about</p> <p>10 the agenda item and about being removed, but I</p> <p>11 have -- I did not read the results because I didn't</p> <p>12 have any input into that one.</p> <p>13 Q. Are you aware of the process, the typical</p> <p>14 process the ORS engaged in with respect to the site</p> <p>15 visit agendas?</p> <p>16 A. No, sir.</p> <p>17 Q. So do you know whether or not the ORS had</p> <p>18 input on these agendas?</p> <p>19 A. No, sir, I don't know for a fact, no, sir.</p> <p>20 Q. Do you know whether -- what circumstances</p> <p>21 led these agenda items to be removed?</p> <p>22 A. No, sir. I think there's a Response of ORS</p> <p>23 in the Interrogatories.</p> <p>24 Q. So what were you doing, Mr. Scott, to</p> <p>25 monitor the progress of the project in October of</p>	<p style="text-align: right;">135</p> <p>1 A. Well, you had, what, two or three units</p> <p>2 built in Oconee. You had two or three -- I think two</p> <p>3 in Oconee, three at Catawba, you had V.C. Summer 1,</p> <p>4 and that was a challenge. You had the Harris plant,</p> <p>5 which is in North Carolina, but we -- you know, South</p> <p>6 Carolina customers are allocated -- I mean, you can't</p> <p>7 control electrons but economically allocated part of</p> <p>8 it.</p> <p>9 You had the Brunswick plant, you had -- now,</p> <p>10 some of this was before my time. You had Perkins,</p> <p>11 which was abandoned, you had Cherokee, which was</p> <p>12 abandoned, just before, and you had McGuire being</p> <p>13 constructed.</p> <p>14 Q. But those -- none of those projects were</p> <p>15 more significant or larger than the construction of</p> <p>16 Units 2 and 3 at V.C. Summer, right?</p> <p>17 A. Well, I mean, Catawba was three units versus</p> <p>18 two, but dollar-wise I don't know about present</p> <p>19 value, but dollar-wise, they were significant.</p> <p>20 Q. And this was certainly the biggest</p> <p>21 construction, energy construction project, that had</p> <p>22 been conducted during the ORS's existence; isn't that</p> <p>23 right?</p> <p>24 A. In ORS's, yes, sir.</p> <p>25 Q. So the biggest energy construction project</p>
<p style="text-align: right;">134</p> <p>1 2015?</p> <p>2 MR. LIGHTSEY: Object to the form.</p> <p>3 THE WITNESS: We had staff out</p> <p>4 there monitoring it. I wasn't personally</p> <p>5 monitoring it.</p> <p>6 BY MR. CHALLY:</p> <p>7 Q. I understand. What were you doing to</p> <p>8 oversee what the staff was doing?</p> <p>9 MR. LIGHTSEY: Object to the form.</p> <p>10 THE WITNESS: Well, I mean, you</p> <p>11 know, I had Anthony James at the head of it, and</p> <p>12 then he reported at one point to the Chief of</p> <p>13 Staff and then Ms. Edwards. But I was meeting</p> <p>14 with them and trying to get the information from</p> <p>15 them. But, I mean, there is a lot more to ORS</p> <p>16 and running the state agency that you have to</p> <p>17 spend time on, too.</p> <p>18 BY MR. CHALLY:</p> <p>19 Q. In late 2015, was there a single bigger</p> <p>20 nuclear construction project in the state of South</p> <p>21 Carolina?</p> <p>22 A. No, sir.</p> <p>23 Q. Has there ever been a bigger construction or</p> <p>24 energy construction project in the state of South</p> <p>25 Carolina than Units 2 and 3 at V.C. Summer?</p>	<p style="text-align: right;">136</p> <p>1 in ORS's existence, and you can't tell me a specific</p> <p>2 thing you were doing to monitor the activity of the</p> <p>3 ORS staff tasked with overseeing the project?</p> <p>4 MR. LIGHTSEY: Object to the form.</p> <p>5 THE WITNESS: Well, I mean, you</p> <p>6 know, I was meeting with them, I was getting</p> <p>7 information for the review committee letter.</p> <p>8 But, you know, I mean, you know, I mean you can</p> <p>9 make your own judgments about whether I was doing</p> <p>10 the job or not. Of course I don't have that job</p> <p>11 anymore.</p> <p>12 BY MR. CHALLY:</p> <p>13 Q. Certainly true though, given ORS's role,</p> <p>14 responsibility and its authority, that if the ORS</p> <p>15 believed additional information was necessary in 2015</p> <p>16 regarding any item on the project, the ORS had means</p> <p>17 to solicit that information from SCE&G, right?</p> <p>18 A. They had to ask for it. Now, whether they</p> <p>19 get it or not, they don't have control over.</p> <p>20 Q. Are you aware of a specific formal request</p> <p>21 that you made to SCE&G that was denied?</p> <p>22 A. I made a request in 2017 for a list of items</p> <p>23 in a letter. I don't -- I don't know if I can come</p> <p>24 back saying it's denied, but I don't know that we got</p> <p>25 all that information.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

137	<p>1 The other denial was not for information but</p> <p>2 to ask for the -- be in attendance for the meeting.</p> <p>3 But other than that, I don't know that I -- I mean,</p> <p>4 they were very cooperative with me, I thought.</p> <p>5 Q. So if you needed something, you would ask</p> <p>6 for it and you would receive it?</p> <p>7 A. I don't know that I asked for anything, but</p> <p>8 if I had, I believed I would have received it. But I</p> <p>9 don't know, other than what I just told you, I wasn't</p> <p>10 the one doing the information request.</p> <p>11 Q. In the fall of 2015, did you personally ask</p> <p>12 anyone at SCE&G for information about Bechtel?</p> <p>13 A. I don't think so, no, sir.</p> <p>14 Q. In the fall of 2015, did you personally ask</p> <p>15 anyone at SCE&G for information about an independent</p> <p>16 assessment of the project?</p> <p>17 A. Not to my knowledge.</p> <p>18 Q. And is it your testimony that you didn't ask</p> <p>19 for that because you didn't know about it?</p> <p>20 A. I didn't know -- I did not know about</p> <p>21 Bechtel in 2015, to my knowledge.</p> <p>22 Q. But we have established the ORS was aware,</p> <p>23 SCE&G was considering candidates to do an assessment,</p> <p>24 that Bechtel had in fact done an assessment, and that</p> <p>25 the ORS was asking for information related to the</p>
138	<p>1 Bechtel assessment from SCE&G.</p> <p>2 A. I'm aware of it now.</p> <p>3 Q. You're aware of that now, but it's your</p> <p>4 testimony you were not aware of that at the time it</p> <p>5 was --</p> <p>6 A. I don't think I had heard of Bechtel at that</p> <p>7 time. When I first heard of Bechtel, I didn't even</p> <p>8 know who it was.</p> <p>9 Q. When was the first time you heard of</p> <p>10 Bechtel?</p> <p>11 A. I think it was when, as I think I mentioned</p> <p>12 earlier, where my memory is, and I think it may be</p> <p>13 different from somebody else's, that he asked me if</p> <p>14 staff ever mentioned a Bechtel report to me.</p> <p>15 Q. Mike Couick asked you that; is that right?</p> <p>16 A. I think that's what I -- yes.</p> <p>17 Q. What --</p> <p>18 A. That's my memory, now. I don't know that</p> <p>19 his is the same.</p> <p>20 Q. What is the most precise time frame you can</p> <p>21 give to me on when Mr. Couick had that conversation</p> <p>22 with you?</p> <p>23 A. It would have been after -- it would be -- I</p> <p>24 think it would have to be after February 2016, but I</p> <p>25 don't know the time frame from that.</p>
139	<p>1 Q. But before, let's say the settlement of the</p> <p>2 matters pending in the 2016 docket; is that right?</p> <p>3 A. I would think so.</p> <p>4 Q. So sometime before --</p> <p>5 A. I think so. I don't know that, but I think</p> <p>6 so.</p> <p>7 Q. Your memory is that sometime as early as</p> <p>8 February of 2016 and as late as the settlement of the</p> <p>9 2016 docket, Mike Couick asked you if the staff had</p> <p>10 ever informed you about Bechtel doing an assessment</p> <p>11 of the project?</p> <p>12 A. I don't know the exact time frame. I'm not</p> <p>13 sure whether you stated the exact time frame.</p> <p>14 Q. I did. Is said that's your best remember</p> <p>15 memory.</p> <p>16 A. Of what?</p> <p>17 Q. Sometime in that time frame, February of</p> <p>18 2016, to the settlement of the 2016 document -- let</p> <p>19 me finish my question -- Mike Couick informed you or</p> <p>20 asked you whether the ORS had told you that Bechtel</p> <p>21 had done an assessment of the project?</p> <p>22 A. I can't sit here and say it was before the</p> <p>23 settlement agreement because I don't know that.</p> <p>24 Q. But you think it was?</p> <p>25 A. I don't know.</p>
140	<p>1 Q. Well, you were interacting with Mike Couick</p> <p>2 regularly during 2016 in connection with matters</p> <p>3 related to the project; isn't that right?</p> <p>4 A. Right.</p> <p>5 Q. You were?</p> <p>6 Isn't it true that Mike Couick and</p> <p>7 representatives of the ECSC were meeting with Gary</p> <p>8 Jones monthly after his site visits on the project?</p> <p>9 A. It was a period of time when that occurred,</p> <p>10 yes, sir.</p> <p>11 Q. And those are site -- those were meetings</p> <p>12 that you attended as well; is that right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did you have meetings with Mr. Couick</p> <p>15 related to the project on that regular of a basis</p> <p>16 outside of the 2016 time frame?</p> <p>17 A. I don't think so.</p> <p>18 Q. So is it your best recollection today that</p> <p>19 this conversation with Mr. Couick had to have</p> <p>20 occurred in 2016?</p> <p>21 A. I would think so because the report wasn't</p> <p>22 issued in 2016.</p> <p>23 Q. I'm sorry, say that one more time?</p> <p>24 A. I thought the final report, the Bechtel</p> <p>25 report, was 2016.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

141	<p>1 Q. Okay. Why does that -- how is that -- did</p> <p>2 Mr. Couick tell that you he was aware of a Bechtel</p> <p>3 report in 2016?</p> <p>4 A. No, sir. No, sir. He asked me if the staff</p> <p>5 had talked to me about a Bechtel report and my answer</p> <p>6 to that was no.</p> <p>7 Q. Did you get the sense that Mr. Couick was</p> <p>8 aware that there was a Bechtel report in 2016?</p> <p>9 A. I don't know how you would ask if they told</p> <p>10 you about it if you weren't aware of it, but --</p> <p>11 Q. So your memory is that Mike Couick was aware</p> <p>12 of a Bechtel report in 2016?</p> <p>13 A. At some point in 2016, I think.</p> <p>14 Q. Do you have any idea as to how Mr. Couick</p> <p>15 became aware of a Bechtel report in 2016?</p> <p>16 A. Yes, sir.</p> <p>17 Q. How did he become aware of a Bechtel report</p> <p>18 in 2016?</p> <p>19 A. Well, there's two things, and I -- our</p> <p>20 memories are different. But, one, he said he heard</p> <p>21 about it at the 2016 hearing, so that would have been</p> <p>22 after the settlement agreement. And the other is</p> <p>23 that a board member had told him about it -- didn't</p> <p>24 tell him about it, I don't know what he told him,</p> <p>25 but --</p>	143	<p>1 point. But I think I read where he said he heard</p> <p>2 about it at the -- at the meeting. So I may be</p> <p>3 all wrong about that. Because I think I read</p> <p>4 somewhere that he said he was told about it at</p> <p>5 the hearing in October of 2016.</p> <p>6 But he didn't tell me there was a</p> <p>7 report. He asked me if the staff had said</p> <p>8 anything about it. And I don't think his memory</p> <p>9 is the same as mine.</p> <p>10 BY MR. CHALLY:</p> <p>11 Q. Have you had a specific discussion with</p> <p>12 Mr. Couick about this exchange?</p> <p>13 A. About this exchange?</p> <p>14 Q. Your exchange with him.</p> <p>15 A. Now, Ms. Edwards was present.</p> <p>16 Q. When was this discussion?</p> <p>17 A. This would have been probably -- it had to</p> <p>18 be after the Interrogatories were issued. The</p> <p>19 second -- y'all's Interrogatories, not the first set</p> <p>20 but the set that was issued in --</p> <p>21 Q. What caused you to believe that Mike Couick</p> <p>22 had been informed by Jack Wolfe that there was a</p> <p>23 Bechtel report?</p> <p>24 A. I thought that's what he told me.</p> <p>25 Q. You thought he told you that in 2016?</p>
142	<p>1 Q. Is that a board member of Santee Cooper?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have any idea what board member of</p> <p>4 Santee Cooper that might have been?</p> <p>5 A. I think it was Mr. Wolfe.</p> <p>6 Q. Sorry?</p> <p>7 A. I think he told me Mr. Wolfe. I don't know</p> <p>8 that he would agree with that.</p> <p>9 Q. So your memory is that Mike Couick told you</p> <p>10 in 2016 that he had been informed of a Bechtel report</p> <p>11 by Jack Wolfe?</p> <p>12 A. No, sir. He didn't inform me that he had</p> <p>13 been told of the Bechtel report at all at that point</p> <p>14 in time. That just -- that came up a lot later. And</p> <p>15 he didn't tell me there was a Bechtel report. He</p> <p>16 asked me if my staff had mentioned a Bechtel report.</p> <p>17 He didn't tell me there was a Bechtel report.</p> <p>18 Q. But we were getting your understanding of</p> <p>19 what Mr. Couick had learned. And what you're telling</p> <p>20 me is that you now know, your memory, is that Mike</p> <p>21 Couick had been informed of a Bechtel report from</p> <p>22 Jack Wolfe?</p> <p>23 MR. LIGHTSEY: Object to the form.</p> <p>24 THE WITNESS: At some point. He</p> <p>25 did not mention that at that time. It was some</p>	144	<p>1 A. I don't know when. It might have been 2017</p> <p>2 when he told me that. I don't know when he told me</p> <p>3 that.</p> <p>4 Q. You understand that 2017, particularly by</p> <p>5 the summer of 2017, is a very critical time for the</p> <p>6 project, right?</p> <p>7 A. Critical time for me, too.</p> <p>8 Q. Fair. And the entire year of 2017 was</p> <p>9 critical because it was in early 2017 in March that</p> <p>10 Westinghouse had declared bankruptcy, right?</p> <p>11 A. I think so.</p> <p>12 Q. Yeah. So you can't pinpoint whether this</p> <p>13 conversation with Mr. Couick was in 2017 or 2016?</p> <p>14 A. The conversation about the oral -- whether</p> <p>15 we had seen about it -- whether we had read it?</p> <p>16 Q. We're now talking about the conversation</p> <p>17 where Mr. Couick, you recall Mr. Couick informing you</p> <p>18 that Jack Wolfe had told Mr. Couick that there was a</p> <p>19 Bechtel report.</p> <p>20 MR. LIGHTSEY: Object to the form.</p> <p>21 THE WITNESS: I can't pinpoint the</p> <p>22 time frame.</p> <p>23 BY MR. CHALLY:</p> <p>24 Q. You can't pinpoint whether it's 2017 or</p> <p>25 2016?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

145	<p>1 A. No, sir, not that -- not that. I can tell</p> <p>2 you that -- not that, I can't.</p> <p>3 Q. Are you sure this is a separate conversation</p> <p>4 from when Mr. Couick asked you whether the ORS staff</p> <p>5 had told you about a Bechtel report?</p> <p>6 A. Please say that again?</p> <p>7 Q. Are you sure whether or not this</p> <p>8 conversation with Mr. Couick where he told you about</p> <p>9 Jack Wolfe and the Bechtel report is different from</p> <p>10 the conversation in which Mr. Couick told you or</p> <p>11 asked you whether the staff had informed you of a</p> <p>12 Bechtel report?</p> <p>13 A. It was a different conversation after that</p> <p>14 period of time.</p> <p>15 Q. All right. So let's make sure we get all of</p> <p>16 these conversations correct.</p> <p>17 You recall one conversation which Mike</p> <p>18 Couick asked you if the staff had told you about a</p> <p>19 Bechtel report?</p> <p>20 A. I think there was one conversation when</p> <p>21 Mr. Couick asked me if the staff had said anything to</p> <p>22 me about a Bechtel report.</p> <p>23 Q. How did you respond to Mr. Couick?</p> <p>24 A. I said no.</p> <p>25 Q. Was there any other discussion at all on</p>	147	<p>1 meeting that it could have issued specific request</p> <p>2 that said, SCE&G, produce the Bechtel report.</p> <p>3 A. We didn't know there was a report.</p> <p>4 Q. Mr. Couick is asking you about it.</p> <p>5 A. Yeah, but he didn't tell me there was one.</p> <p>6 Q. But ORS is aware that it could have issued a</p> <p>7 request to SCE&G that said, produce the Bechtel</p> <p>8 report.</p> <p>9 A. They could have said, if there is a report,</p> <p>10 produce it.</p> <p>11 Q. Could have done that. And why did you not</p> <p>12 do that?</p> <p>13 A. I don't know.</p> <p>14 Q. Was there a discussion about it at the time?</p> <p>15 A. Not with me. When we finally -- when we</p> <p>16 finally asked about it, when we did ask about it,</p> <p>17 they said it was attorney-client privilege, is my</p> <p>18 understanding, but that wasn't to me.</p> <p>19 Q. Okay. So -- all right. That's one</p> <p>20 conversation with Mike Couick that also involved</p> <p>21 Allyn Powell and you where Bechtel comes up.</p> <p>22 A. Right. There would have been others in</p> <p>23 there, too.</p> <p>24 Q. That's one conversation. Is that the first</p> <p>25 conversation that you can recall where the word</p>
146	<p>1 this topic?</p> <p>2 A. Not at that point in time.</p> <p>3 Q. Did Mr. Couick probe at all; did he just</p> <p>4 accept your "no" and move on?</p> <p>5 A. I don't think so, because my memory is, and</p> <p>6 I think my memory is different than his, but my</p> <p>7 memory is that in one of those monthly meetings he</p> <p>8 asked Ms. Powell about it, and Ms. Powell's response,</p> <p>9 as I remember it, was that they had asked about it</p> <p>10 and they were told at one point it was an oral Power</p> <p>11 Point presentation to the board, and whoever she was</p> <p>12 asking didn't have it, is my memory of what her</p> <p>13 response was. So, no, he didn't just take "no." My</p> <p>14 memory is he asked about it. Now, his memory, I</p> <p>15 think, is different.</p> <p>16 Q. Now, was there any further discussion at</p> <p>17 this meeting that you're recalling?</p> <p>18 A. No, sir, not about that.</p> <p>19 Q. The ORS was aware that it could have issued</p> <p>20 a specific request for a Bechtel report at this time,</p> <p>21 right?</p> <p>22 A. I think they issued a request that would</p> <p>23 have included the Bechtel report.</p> <p>24 Q. Wasn't my question, Mr. Scott.</p> <p>25 The ORS was aware at the time of this</p>	148	<p>1 Bechtel came to your mind?</p> <p>2 A. No, sir. The first conversation is when he</p> <p>3 asked me had staff said anything about a Bechtel</p> <p>4 report. That's the first conversation.</p> <p>5 Q. So that was not in the meeting with</p> <p>6 Ms. Powell?</p> <p>7 A. No, sir.</p> <p>8 Q. This is a separate conversation between you</p> <p>9 and Mr. Couick?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And your response is, no, I know nothing</p> <p>12 about it.</p> <p>13 A. I didn't say, no, I didn't know nothing</p> <p>14 about it, but I said, no, they haven't mentioned it</p> <p>15 to me.</p> <p>16 Q. And then there was no further follow-up in</p> <p>17 that discussion between you and Mr. Couick?</p> <p>18 A. I don't remember any follow-up.</p> <p>19 Q. But then there was another meeting that you</p> <p>20 can recall. Is this the next meeting at which you</p> <p>21 can recall the word Bechtel came up?</p> <p>22 A. I don't -- I don't know about -- I believe</p> <p>23 it would be that it probably was because -- but I</p> <p>24 don't know that.</p> <p>25 Q. And at that meeting, Mr. Couick is in</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

149	<p>1 attendance, to your memory?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And Mr. Couick is asking Ms. Powell whether</p> <p>4 she knows anything about a Bechtel report?</p> <p>5 A. That's the gist of what my memory is.</p> <p>6 Q. Didn't that register to you as significant</p> <p>7 that Mike Couick has now asked twice about a Bechtel</p> <p>8 report?</p> <p>9 A. Well, it is significant, but I took -- we</p> <p>10 took SCE&G at their word that there was a Power Point</p> <p>11 presentation, an oral presentation. But my</p> <p>12 understanding was that there wasn't a report at this</p> <p>13 point.</p> <p>14 Q. So presentation and report are two different</p> <p>15 things to you; is that right?</p> <p>16 A. Well, yes, sir.</p> <p>17 Q. So if someone asks for a report, it wouldn't</p> <p>18 encompass a presentation, correct?</p> <p>19 A. I don't think so.</p> <p>20 Q. Okay. You're familiar with the fact that</p> <p>21 Mike Couick is a politically-connected person in the</p> <p>22 state of South Carolina; isn't that right?</p> <p>23 MR. LIGHTSEY: Object to the form.</p> <p>24 THE WITNESS: Yes, sir.</p> <p>25</p>	151	<p>1 A. I didn't think that through.</p> <p>2 Q. Anything else that you can recall about this</p> <p>3 exchange that involved Mr. Couick, you, and</p> <p>4 Ms. Powell?</p> <p>5 A. It wasn't just Mr. Couick, me, and</p> <p>6 Ms. Powell; there was others in the room, too.</p> <p>7 Q. Who else was in the room?</p> <p>8 A. Gary would have been in the room.</p> <p>9 Q. Gary Jones?</p> <p>10 A. I would think so. Anthony could have been</p> <p>11 in. There were different people in and out.</p> <p>12 Ms. Hudson was, I think attended some. I think</p> <p>13 Ms. Edwards might have attended one, but it was sort</p> <p>14 of in and out.</p> <p>15 Q. Where do you recall this meeting taking</p> <p>16 place?</p> <p>17 A. At the Co-Op's offices on Knox Abbott Drive.</p> <p>18 Q. Are you aware of Mr. Jones meeting with the</p> <p>19 Co-ops about the project at any time outside of the</p> <p>20 2016 time frame?</p> <p>21 A. There was -- at ORS expense, he met with the</p> <p>22 Co-ops at Kiawah Island.</p> <p>23 Q. Also in 2016?</p> <p>24 A. I don't know when that was. I mean, that's</p> <p>25 easy to find, but I don't know when that was. I</p>
150	<p>1 BY MR. CHALLY:</p> <p>2 Q. And you're familiar with the fact that</p> <p>3 Mr. Couick, particularly given his role with the</p> <p>4 Electric Cooperatives, was uniquely interested in the</p> <p>5 V.C. Summer project, right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. In fact, on behalf of the Electric</p> <p>8 Cooperatives of South Carolina, Mr. Couick had</p> <p>9 intervened in the 2016 docket related to V.C. Summer,</p> <p>10 correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And so now you have been informed twice of</p> <p>13 Mr. Couick's questions regarding a Bechtel report,</p> <p>14 correct?</p> <p>15 MR. LIGHTSEY: Object to the form.</p> <p>16 THE WITNESS: (Witness nodded</p> <p>17 head.)</p> <p>18 BY MR. CHALLY:</p> <p>19 Q. What did you personally do in response to</p> <p>20 that knowledge to solicit more information regarding</p> <p>21 Bechtel?</p> <p>22 A. I don't think I did anything else.</p> <p>23 Q. Did you think Mr. Couick had all the</p> <p>24 information he needed on this topic and that's why</p> <p>25 you didn't do anything else?</p>	152	<p>1 don't think it -- I don't know whether it was in 2016</p> <p>2 or not.</p> <p>3 Q. But other than the meeting with the Co-ops</p> <p>4 at Kiawah and meetings that occurred in 2016, you're</p> <p>5 not aware of Mr. Jones meeting with the Co-ops and</p> <p>6 Mike Couick at any other time regarding the project,</p> <p>7 is that right?</p> <p>8 A. The quarterly meetings, but I -- you know,</p> <p>9 and there was a meeting at Kiawah where he gave a</p> <p>10 presentation. But I'm not aware that he would have</p> <p>11 met with them without me being present.</p> <p>12 Q. All right. So Ms. Powell responds to</p> <p>13 Mr. Couick that she's aware of a Power Point</p> <p>14 presentation, not a report?</p> <p>15 A. That was my memory.</p> <p>16 Q. And then what's the next conversation that</p> <p>17 you had with Mr. Couick where the word Bechtel was</p> <p>18 mentioned?</p> <p>19 A. It would have been -- my memory would be</p> <p>20 that it would be sometime after it became a public --</p> <p>21 a public -- I don't know whether --</p> <p>22 Q. After abandonment of the project?</p> <p>23 A. It would have been after abandonment of the</p> <p>24 project, but it would have been after -- I think it</p> <p>25 first came to light in the Senate hearings, so it</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">153</p> <p>1 would have been sometime after that.</p> <p>2 Q. When, to your memory, did Mr. Couick inform</p> <p>3 you that Jack Wolfe had told him there was a Bechtel</p> <p>4 report?</p> <p>5 A. I don't know. I just don't know.</p> <p>6 Q. You don't know whether that was before or</p> <p>7 after abandonment?</p> <p>8 A. I don't know. He didn't tell me at the</p> <p>9 beginning.</p> <p>10 Q. Tell me everything you can recall about this</p> <p>11 conversation when Mike Couick informed you that Jack</p> <p>12 Wolfe had told him there was a Bechtel report.</p> <p>13 MR. LIGHTSEY: And I just need to</p> <p>14 object. If this was the meeting with</p> <p>15 Ms. Edwards, you know, I would instruct the</p> <p>16 witness not to go into that.</p> <p>17 THE WITNESS: I don't know whether</p> <p>18 Ms. Edward was there or not. I don't think she</p> <p>19 was.</p> <p>20 BY MR. CHALLY:</p> <p>21 Q. Okay. Everything that you can recall about</p> <p>22 the meeting with you and Mike Couick where Mike</p> <p>23 Couick told you that Jack Wolfe had told him there</p> <p>24 was a Bechtel report.</p> <p>25 A. That was it. I mean, in some conversation I</p>	<p style="text-align: right;">155</p> <p>1 Q. Do you know that they were sharing</p> <p>2 information about the Santee Cooper's operations in</p> <p>3 the state of South Carolina?</p> <p>4 A. No, sir.</p> <p>5 Q. You just know they're fond of each other?</p> <p>6 A. I use the word "fond," and I don't know</p> <p>7 that -- but I think they have a mutual respect for</p> <p>8 each other.</p> <p>9 Q. Did Mike Couick tell you that he had</p> <p>10 received a copy of the Bechtel report from Jack</p> <p>11 Wolfe?</p> <p>12 A. No, sir.</p> <p>13 Q. Did Mike Couick tell you that he had seen a</p> <p>14 copy of the Bechtel report?</p> <p>15 A. No, sir.</p> <p>16 Q. Did Mike Couick tell you that he had heard</p> <p>17 of the results from the Bechtel report?</p> <p>18 A. No, sir.</p> <p>19 Q. All he said, to your memory, is that Jack</p> <p>20 Wolfe told him there was a Bechtel report?</p> <p>21 A. When he was talking about how he -- why he</p> <p>22 asked the question, I guess, he mentioned -- he said</p> <p>23 that. But that was sometime afterwards. But, no, I</p> <p>24 don't know about their conversation.</p> <p>25 Q. So you had a conversation with Mike Couick</p>
<p style="text-align: right;">154</p> <p>1 had with him, my memory is that.</p> <p>2 Q. Who is Jack Wolfe, to your understanding?</p> <p>3 A. He is -- used to be head of Mid Carolina and</p> <p>4 he is on the board of Santee Cooper.</p> <p>5 Q. What's your understanding of Jack Wolfe's</p> <p>6 relationship to Mike Couick?</p> <p>7 A. I think they're fond of each other. I mean,</p> <p>8 I think they like each other. They have a lot of</p> <p>9 respect for each other.</p> <p>10 Q. Do you understand that Mike Couick received</p> <p>11 information regarding the status of V.C. Summer from</p> <p>12 Jack Wolfe periodically during the project?</p> <p>13 A. No, sir. I don't have any knowledge of</p> <p>14 that.</p> <p>15 Q. But you believe that -- you said that Mike</p> <p>16 Couick and Jack Wolfe are fond of each other?</p> <p>17 A. That's what I think, but, I mean, I don't</p> <p>18 have conversations, I mean --</p> <p>19 Q. What makes you think that then?</p> <p>20 A. They just seem to always have a mutual</p> <p>21 respect for each other.</p> <p>22 Q. Do you know that they were sharing</p> <p>23 information about energy regulation in the state of</p> <p>24 South Carolina?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">156</p> <p>1 where Mike Couick was attempting to explain to you</p> <p>2 why he asked twice earlier about a Bechtel report?</p> <p>3 A. He wasn't trying to explain anything to me.</p> <p>4 Q. Did you ask him?</p> <p>5 A. No, sir.</p> <p>6 Q. Hey, Mike, why did you ask twice about a</p> <p>7 Bechtel report previously?</p> <p>8 A. No, sir. No, sir.</p> <p>9 Q. Then how did the topic come up?</p> <p>10 A. I don't know. I think he just said that's</p> <p>11 how he found out -- that might have been even after</p> <p>12 it was public, but I don't know.</p> <p>13 Q. Okay.</p> <p>14 A. And I don't even know whether he would agree</p> <p>15 with me or not.</p> <p>16 Q. Did you ever discuss the status of the</p> <p>17 project with Santee Cooper board members?</p> <p>18 A. I had a lunch -- I got a call, and I don't</p> <p>19 know when this is and I don't know whether she was a</p> <p>20 Santee Cooper board member at the time or she had</p> <p>21 already gone to DHEC. But Frank Ellerbe called me</p> <p>22 and said -- I have known Katherine, she was a lawyer</p> <p>23 with Duke Energy at one point and she was President</p> <p>24 of Duke Energy of South Carolina, and I had known</p> <p>25 her. And Frank said, Katherine wants to -- and I</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">157</p> <p>1 don't remember exactly but something to the effect</p> <p>2 Katherine would like for us to have lunch with her,</p> <p>3 and not -- didn't mention the V.C Summer project.</p> <p>4 But it wasn't -- I don't think that was the only time</p> <p>5 that we did but it might be, and so -- at Villa</p> <p>6 Tronco. And I thought it was just a personal</p> <p>7 meeting, you know -- not meeting but lunch. And it</p> <p>8 was, pretty much.</p> <p>9 But at that lunch, she never mentioned</p> <p>10 Bechtel, but she said, Dukes, some, some projects</p> <p>11 have an independent engineer, I think is what she</p> <p>12 said. She didn't tell me about Bechtel, she didn't</p> <p>13 tell me where she got it from, and I can't remember</p> <p>14 whether she was a board member then or not, but</p> <p>15 that's the only board member that I would have --</p> <p>16 would have --</p> <p>17 Q. When was this meeting, to the best of your</p> <p>18 recollection?</p> <p>19 A. I don't know.</p> <p>20 Q. You have no idea whether this was -- it was</p> <p>21 before abandonment, though, right?</p> <p>22 A. Oh, yes, sir.</p> <p>23 Q. So would this have been 2015, 2016, you have</p> <p>24 no idea?</p> <p>25 A. I don't -- I don't know whether it was 2015</p>	<p style="text-align: right;">159</p> <p>1 know -- but I don't know that. And I don't know</p> <p>2 exactly when she went to DHEC.</p> <p>3 Q. So at the time you had this meeting, did you</p> <p>4 connect this idea -- or actually, back up.</p> <p>5 Today, you connect this idea of an</p> <p>6 independent engineer with Bechtel; is that right?</p> <p>7 A. Yes, sir, I think that's true. But she</p> <p>8 didn't mention Bechtel.</p> <p>9 Q. I understand that. But you connect the two?</p> <p>10 A. Once I discovered -- the Bechtel report was</p> <p>11 discovered, yeah, I connected the two.</p> <p>12 Q. And so now you have three communications</p> <p>13 from someone affiliated with The Electric</p> <p>14 Cooperatives of South Carolina, because you</p> <p>15 understood that Frank Ellerbe represents the Electric</p> <p>16 Cooperatives of South Carolina, right?</p> <p>17 A. He is the President of the Electric</p> <p>18 Cooperatives.</p> <p>19 Q. Okay. You have three conversations with</p> <p>20 someone connected to The Electric Cooperatives of</p> <p>21 South Carolina where they are mentioning something</p> <p>22 that is, to you, connected to the Bechtel report</p> <p>23 today, right?</p> <p>24 MR. LIGHTSEY: Object to the form.</p> <p>25 THE WITNESS: That's connected to</p>
<p style="text-align: right;">158</p> <p>1 or 2016. Because that's why I don't know whether she</p> <p>2 was a board member or not. You asked me if I had</p> <p>3 conversation with a board member or she had already</p> <p>4 gone to DHEC. It seems like when I followed her to</p> <p>5 her car it was a state car, which she wouldn't have</p> <p>6 had a state car as a board member, but I don't know.</p> <p>7 Q. All right. And you recall her asking you</p> <p>8 about an owner's engineer; is that right?</p> <p>9 A. I don't know whether that's the term she</p> <p>10 used, but she did mention that some have a -- she</p> <p>11 might have said an independent engineer or something.</p> <p>12 It wasn't a big deal, and she didn't really go into a</p> <p>13 lot of detail on it, but she did mention that to me.</p> <p>14 Q. Was this the only thing, other than</p> <p>15 discussions of a personal nature, that occurred at</p> <p>16 this meeting?</p> <p>17 A. To my knowledge, the rest of it was, how you</p> <p>18 doing, you know, that type of thing.</p> <p>19 Q. Did you view that as significant?</p> <p>20 A. No, sir, because, I mean, it was Frank</p> <p>21 Ellerbe, who is a good friend, and Katherine. He</p> <p>22 represented Katherine when she was at Duke. So, no,</p> <p>23 I didn't -- I thought it was a friendly meeting. And</p> <p>24 I don't know whether -- and that's why I'm thinking</p> <p>25 she might have already been at DHEC because, you</p>	<p style="text-align: right;">160</p> <p>1 Bechtel, yes, sir.</p> <p>2 BY MR. CHALLY:</p> <p>3 Q. Does that convey to you today that the</p> <p>4 Electric Cooperatives knew about the Bechtel report</p> <p>5 prior to abandonment of the project?</p> <p>6 A. I don't know whether they knew about the</p> <p>7 Bechtel report, but they did know enough to ask about</p> <p>8 it before the -- and it was before the abandonment.</p> <p>9 Q. And it's your understanding that the</p> <p>10 Electric Cooperatives of South Carolina became aware</p> <p>11 of the Bechtel report because Jack Wolfe told Mike</p> <p>12 Couick about it?</p> <p>13 MR. LIGHTSEY: Object to the form.</p> <p>14 THE WITNESS: That's my</p> <p>15 understanding. But what I read in the paper is</p> <p>16 different than that.</p> <p>17 BY MR. CHALLY:</p> <p>18 Q. Are you aware of the ORS ever submitting a</p> <p>19 request to SCE&G for written work product from</p> <p>20 Bechtel?</p> <p>21 A. No, sir.</p> <p>22 Q. Do you agree with me that if in 2015 the ORS</p> <p>23 thought there was additional information necessary</p> <p>24 regarding the status of the project, the ORS could</p> <p>25 have decided not to enter into a settlement of the</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">161</p> <p>1 2015 docket?</p> <p>2 A. We didn't have to enter into the settlement</p> <p>3 in 2015.</p> <p>4 Q. And you could have said, I am not going to</p> <p>5 settle this because I need more information regarding</p> <p>6 the status of the project?</p> <p>7 A. I think that's true. Can we take a break?</p> <p>8 Q. Absolutely.</p> <p>9 THE VIDEOGRAPHER: This concludes</p> <p>10 video number two in the video deposition of Dukes</p> <p>11 Scott. The time is 14:25. We are now off the</p> <p>12 record.</p> <p>13 (A recess was taken.)</p> <p>14 THE VIDEOGRAPHER: We're back on</p> <p>15 the record. Today's date is November 7, 2018.</p> <p>16 The time is 14:40. This is the beginning of</p> <p>17 media number three in the video deposition of</p> <p>18 Dukes Scott.</p> <p>19 BY MR. CHALLY:</p> <p>20 Q. Mr. Scott, the second meeting that you</p> <p>21 described, the one that involved Mike Couick, you,</p> <p>22 and Allyn Powell, is it your memory that Gary Jones</p> <p>23 was in that meeting?</p> <p>24 A. I would think so.</p> <p>25 Q. Is it your memory that Anthony James was in</p>	<p style="text-align: right;">163</p> <p>1 project for -- on behalf of ORS.</p> <p>2 Q. What were you personally doing to monitor</p> <p>3 the project?</p> <p>4 A. I was getting the reports from -- from the</p> <p>5 staff and reporting -- and reporting to PERC, a lot</p> <p>6 of the issues there but I was getting reports. I</p> <p>7 wasn't out there counting bolts.</p> <p>8 Q. So you're monitoring activities and included</p> <p>9 nothing more than taking information from the staff</p> <p>10 and then reporting that information to the PERC?</p> <p>11 A. Well, you have got a way of characterizing</p> <p>12 the thing with "nothing more." I wouldn't say it was</p> <p>13 "nothing more."</p> <p>14 Q. I just want to know what you were doing.</p> <p>15 A. And also we had a staff out there, and the</p> <p>16 staff, the head of the NND reported to Ms. Edwards</p> <p>17 since July of 2014. And it's similar to, I mean,</p> <p>18 auditing a rate case. I mean, I'm not out there</p> <p>19 auditing a rate case; I've got a staff out there</p> <p>20 doing it. It doesn't mean I'm sitting back there</p> <p>21 doing nothing.</p> <p>22 Q. Well, I want to know everything you were</p> <p>23 doing to monitor the status of the project in 2015</p> <p>24 and 2016.</p> <p>25 A. I don't -- I mean, I can't tell you</p>
<p style="text-align: right;">162</p> <p>1 that meeting?</p> <p>2 A. I don't know the answer to that. He could</p> <p>3 have been. He came to some, and I think Gary would</p> <p>4 have been in there, I think.</p> <p>5 Q. And your memory that Mr. Couick asked about</p> <p>6 a Bechtel report in that meeting?</p> <p>7 A. He asked if they had seen a Bechtel report,</p> <p>8 is my recollection.</p> <p>9 Q. Now, Mr. Scott, the ORS is the only state</p> <p>10 agency that has the authority to monitor the V.C.</p> <p>11 Summer project; isn't that right?</p> <p>12 A. I think that's correct. I don't know</p> <p>13 whether DHEC has some role out there.</p> <p>14 Q. What is DHEC?</p> <p>15 A. Department of Health and Environment</p> <p>16 Control. I think they have some duties out there.</p> <p>17 Not necessarily to monitor construction but they've</p> <p>18 got some duties out there.</p> <p>19 Q. So the only state agency that is involved in</p> <p>20 monitoring construction of the V.C. Summer project is</p> <p>21 the Office of Regulatory Staff?</p> <p>22 A. I think that's true.</p> <p>23 Q. In 2015 and 2016, what were you doing as the</p> <p>24 Executive Director of the ORS to monitor the project?</p> <p>25 A. I had staff members out there to monitor the</p>	<p style="text-align: right;">164</p> <p>1 everything I was doing. But I know we had a good</p> <p>2 staff out there and we put a good staff together and</p> <p>3 I think that was what my job was.</p> <p>4 Q. To oversee that staff?</p> <p>5 A. To -- not directly but indirectly oversee</p> <p>6 it.</p> <p>7 Q. Indirectly oversee the staff that you had on</p> <p>8 site?</p> <p>9 A. I mean under my -- you know, they reported</p> <p>10 to the Deputy Executive Director who reported to me.</p> <p>11 Q. And as you sit here today, there is nothing</p> <p>12 else specific that you can recall you were doing to</p> <p>13 monitor the project in 2015, 2016?</p> <p>14 A. I can tell you I wasn't out there monitoring</p> <p>15 it and I wasn't issuing data requests.</p> <p>16 Q. Other than providing information to the</p> <p>17 PERC, what were you doing with information that the</p> <p>18 staff was providing to you regarding the status of</p> <p>19 the project?</p> <p>20 A. Well, at some points I was providing some</p> <p>21 information to SCE&G as to what we were finding.</p> <p>22 Q. Okay. Anything else?</p> <p>23 A. I can't think of anything.</p> <p>24 Q. All right. Were you working full-time in</p> <p>25 2015 and 2016?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">165</p> <p>1 A. I think I was. I was in a FTE; I think I</p> <p>2 was working full-time.</p> <p>3 Q. Did you ever track, like, the number of</p> <p>4 hours that you were working on a weekly basis?</p> <p>5 A. No, sir. I mean, it would have been --</p> <p>6 believe me, there was times it would have been more</p> <p>7 than the 37-1/2, but, no, I didn't track hours.</p> <p>8 Q. So at some point in this 2015, 2016 time</p> <p>9 frame, you heard twice from Mike Couick something</p> <p>10 about a Bechtel report; that's your memory, right?</p> <p>11 A. He used those words at least twice, yes.</p> <p>12 Q. After Mr. Couick left the meetings, did you</p> <p>13 do anything to discuss with ORS staff the fact that</p> <p>14 Mr. Couick apparently had more information about</p> <p>15 Bechtel than you did?</p> <p>16 MR. LIGHTSEY: Object to form.</p> <p>17 THE WITNESS: I don't recall that.</p> <p>18 I don't recall that.</p> <p>19 BY MR. CHALLY:</p> <p>20 Q. You didn't go to the staff and say, Couick's</p> <p>21 asked twice about a Bechtel, report why don't we know</p> <p>22 anything more than that?</p> <p>23 A. I don't think I did.</p> <p>24 Q. Why not?</p> <p>25 A. Because I took them at their word that they</p>	<p style="text-align: right;">167</p> <p>1 Q. But the conversation between Ms. Powell and</p> <p>2 Mr. Couick was before abandonment?</p> <p>3 A. Oh, yes, sir.</p> <p>4 Q. So you didn't think to yourself, Couick's</p> <p>5 asking about a report, Allyn's telling us there is a</p> <p>6 presentation, why don't we ask for the presentation?</p> <p>7 A. Because they -- I thought we had asked for</p> <p>8 it and they said they didn't have it -- whoever they</p> <p>9 asked for it out there. But we weren't -- we didn't</p> <p>10 know we were on an adversarial relationship with</p> <p>11 SCE&G. We were working together, we thought, to</p> <p>12 produce a nuclear plant to -- that would generate</p> <p>13 green gas, whatever it is, carbon free. So, I mean,</p> <p>14 if SCE&G said, we don't have it, to our staff, I</p> <p>15 would believe them.</p> <p>16 Q. Well, but on many different occasions in</p> <p>17 2015 and 2016, the ORS issued formal audit</p> <p>18 information requests --</p> <p>19 A. Yes, sir.</p> <p>20 Q. -- to SCE&G.</p> <p>21 A. Right.</p> <p>22 Q. So my question is: You have Mike Couick,</p> <p>23 who is, you have described, is a pretty powerful guy</p> <p>24 in the state of South Carolina.</p> <p>25 A. I think you described it and I agreed with</p>
<p style="text-align: right;">166</p> <p>1 had asked about it and it was oral or it was a Power</p> <p>2 Point. We weren't in an adversarial --</p> <p>3 Q. So if Mr. Couick --</p> <p>4 MR. LIGHTSEY: Let the witness</p> <p>5 finish.</p> <p>6 BY MR. CHALLY:</p> <p>7 Q. Go ahead. Were you finished?</p> <p>8 A. Go ahead. I don't know what I was going</p> <p>9 to --</p> <p>10 Q. But in this meeting with Ms. Powell, you're</p> <p>11 informed that there is a presentation?</p> <p>12 A. There was a Power Point presentation, I</p> <p>13 think.</p> <p>14 Q. A power Point presentation, okay.</p> <p>15 And you didn't think to yourself, why don't</p> <p>16 we get a copy of that?</p> <p>17 A. Well, because when we asked for it, they</p> <p>18 told us it was privileged.</p> <p>19 Q. When did you ask for it?</p> <p>20 A. That was after the -- I know that -- I think</p> <p>21 staff called their counterparts, and they said that</p> <p>22 Simpson Alloy would have to talk to their lawyer.</p> <p>23 This was after the Senate --</p> <p>24 Q. That was after abandonment?</p> <p>25 A. That was after abandonment.</p>	<p style="text-align: right;">168</p> <p>1 you.</p> <p>2 Q. Right. He's twice asking you about a</p> <p>3 Bechtel report, you know there is a presentation</p> <p>4 because Ms. Powell is telling you there is a</p> <p>5 presentation, and you never asked for more</p> <p>6 information regarding this presentation?</p> <p>7 A. I took SCE&G at their word.</p> <p>8 Q. Isn't it because you didn't think more</p> <p>9 information regarding the presentation was</p> <p>10 significant?</p> <p>11 A. It was because I trusted SCE&G.</p> <p>12 Q. And trusted in that, what; there was a</p> <p>13 presentation? Because they had told you that;</p> <p>14 Ms. Powell knew that.</p> <p>15 A. They knew -- she said -- I think she said it</p> <p>16 was -- but they also told her, I think -- I know you</p> <p>17 have taken her deposition and she may have a</p> <p>18 different view -- they were not in possession of it.</p> <p>19 Q. And that was enough?</p> <p>20 So Mike Couick is asking twice for more</p> <p>21 information regarding a Bechtel report. Allyn Powell</p> <p>22 saying, well, I know there was a presentation, and</p> <p>23 they told us they don't have it, and the ORS said,</p> <p>24 okay, I guess we can't do any more?</p> <p>25 A. We trusted them. That's why --</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">169</p> <p>1 Q. Even though you could issue an audit</p> <p>2 information request that said specifically, give me</p> <p>3 everything about Bechtel's analysis?</p> <p>4 A. If they had known --</p> <p>5 MR. LIGHTSEY: Object to the form.</p> <p>6 THE WITNESS: -- that there was an</p> <p>7 analysis, they could have issued such a data</p> <p>8 request. I think they issued a data request that</p> <p>9 would have covered that, and it wasn't mentioned</p> <p>10 in the response.</p> <p>11 BY MR. CHALLY:</p> <p>12 Q. Okay. Did you find it odd that Mike Couick</p> <p>13 had more information regarding Bechtel than you did,</p> <p>14 and you were the Executive Director of the only state</p> <p>15 agency that could monitor the construction of the</p> <p>16 project?</p> <p>17 A. No.</p> <p>18 MR. LIGHTSEY: Object to form.</p> <p>19 THE WITNESS: Keep in mind, Santee</p> <p>20 Cooper is a state agency and they could monitor</p> <p>21 the construction. And they had people out there,</p> <p>22 and he's the largest, I think may be the largest</p> <p>23 customer they have. So it doesn't strike me as</p> <p>24 odd that he would know something that I didn't</p> <p>25 know.</p>	<p style="text-align: right;">171</p> <p>1 Q. You certainly never told the Public Service</p> <p>2 Commission that the ORS had an indication that</p> <p>3 Bechtel had conducted an assessment on the project</p> <p>4 and the ORS needed more information about that</p> <p>5 assessment, right?</p> <p>6 A. I don't think so.</p> <p>7 Q. You never told the Public Service</p> <p>8 Commission, we're aware of Bechtel doing an</p> <p>9 assessment, they provided a Power Point presentation</p> <p>10 to SCE&G's board but we don't have a copy of it?</p> <p>11 A. I don't think so.</p> <p>12 Q. Why not?</p> <p>13 A. I don't know.</p> <p>14 Q. If the Commission believes that the fact of</p> <p>15 an assessment is an important point, does that</p> <p>16 surprise you?</p> <p>17 A. No, it doesn't surprise me, because now I</p> <p>18 think it's an important point to us, too. No, it</p> <p>19 wouldn't surprise me.</p> <p>20 Q. You think it's an important point now but</p> <p>21 you didn't then?</p> <p>22 A. I think SCE&G should have told them about</p> <p>23 it.</p> <p>24 Q. You think the fact of an assessment is an</p> <p>25 important point now but you didn't then, right?</p>
<p style="text-align: right;">170</p> <p>1 BY MR. CHALLY:</p> <p>2 Q. Did you find it odd at all that your staff</p> <p>3 knew more about the Bechtel assessment than you did?</p> <p>4 A. I don't know when they knew it, but they</p> <p>5 were out there every day so, no, I didn't find that</p> <p>6 odd.</p> <p>7 Q. Did you do anything to follow up with staff</p> <p>8 about the Bechtel assessment around this time?</p> <p>9 A. Once -- once SCE&G said they did not have</p> <p>10 it, we trusted SCE&G to be open and truthful with us,</p> <p>11 so there was no reason for me to follow up.</p> <p>12 Q. And if that was true -- so if SCE&G in fact</p> <p>13 did not have anything more than this presentation</p> <p>14 that they had told Ms. Powell about, then you believe</p> <p>15 SCE&G was truthful, correct?</p> <p>16 MR. LIGHTSEY: Object to the form.</p> <p>17 THE WITNESS: I would think that</p> <p>18 if they told the truth, it was truthful.</p> <p>19 BY MR. CHALLY:</p> <p>20 Q. Right. And the ORS knew that there was a</p> <p>21 Power Point presentation?</p> <p>22 A. I think they were told there was a Power</p> <p>23 Point presentation that they did not have. And I'm</p> <p>24 going by memory here, man. I have been retired and</p> <p>25 beat up, I guess you could say.</p>	<p style="text-align: right;">172</p> <p>1 A. I don't know. Back then, I believed what</p> <p>2 they told me. But I think SCE&G should have told the</p> <p>3 Public Service Commission about it.</p> <p>4 Q. But did you didn't do anything to learn more</p> <p>5 information about an assessment when you knew that</p> <p>6 assessment had occurred and you knew there was a</p> <p>7 Power Point presentation provided to the board</p> <p>8 related to it, and you knew that Mike Couick has</p> <p>9 asked twice about a Bechtel report?</p> <p>10 MR. LIGHTSEY: Object to the form.</p> <p>11 THE WITNESS: I took them at their</p> <p>12 word. But I do think SCE&G should have told the</p> <p>13 Commission because they had more information than</p> <p>14 we did.</p> <p>15 BY MR. CHALLY:</p> <p>16 Q. So you just had no responsibility at all</p> <p>17 either to follow up and get additional information to</p> <p>18 SCE&G or to follow up and provide information to the</p> <p>19 Public Service Commission about what you did or</p> <p>20 didn't know?</p> <p>21 MR. LIGHTSEY: Object to the form.</p> <p>22 THE WITNESS: SCE&G to tell the</p> <p>23 Public Service Commission what they should know.</p> <p>24 BY MR. CHALLY:</p> <p>25 Q. But you entered into settlements with SCE&G</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

173	<p>1 in 2015 and in 2016 to resolve the issues associated</p> <p>2 with the 2015 and 2016 dockets, right?</p> <p>3 A. We entered into settlement agreements, yes.</p> <p>4 Q. And in both of those, you indicated that</p> <p>5 SCE&G and the cost they sought in the 2015 and 2016</p> <p>6 dockets were reasonable and prudent, correct?</p> <p>7 A. I don't know that's the case. Now, I wasn't</p> <p>8 at that hearing. We put up two witnesses, and the</p> <p>9 witnesses said what they said they said. But I</p> <p>10 wasn't present at the hearing because in October 2015</p> <p>11 was when the flood, came and I was out at the</p> <p>12 emergency management facility, but there is a</p> <p>13 transcript of what they told them.</p> <p>14 Q. So are you aware of whether or not the</p> <p>15 settlement agreements in 2015 and 2016 report on the</p> <p>16 ORS's belief that the cost SCE&G sought in those</p> <p>17 dockets was reasonable and prudent?</p> <p>18 A. I don't know that. I think the testimony</p> <p>19 should have been that we didn't have the</p> <p>20 preponderance of the evidence of imprudence. But</p> <p>21 they could have said what they said they said. I</p> <p>22 didn't review the testimony before they filed it.</p> <p>23 Q. Okay. Is it true that no one on the staff</p> <p>24 came to you and said, we think we need more</p> <p>25 information about Bechtel's assessment?</p>	175	<p>1 BY MR. CHALLY:</p> <p>2 Q. All right. I will withdraw it.</p> <p>3 Mr. Scott, you're aware, are you not, that</p> <p>4 the consortium revised its schedule and cost</p> <p>5 projections for the project in late 2014, correct?</p> <p>6 A. I think they did, and I think SCE&G did not</p> <p>7 accept it.</p> <p>8 Q. You're aware SCE&G filed a petition on</p> <p>9 March 12, 2015 seeking updates from the Commission to</p> <p>10 the construction cost scheduled for the project; is</p> <p>11 that right?</p> <p>12 A. I think it was March. I don't know what --</p> <p>13 I don't know the exact date.</p> <p>14 Q. And you're aware that the March 12 -- excuse</p> <p>15 me -- the March petition was based upon the updated</p> <p>16 information SCE&G had received from the consortium?</p> <p>17 A. That would be my understanding. I don't</p> <p>18 know whether it was or not.</p> <p>19 Q. And you're aware, are you not, that SCE&G</p> <p>20 provided to the ORS the information that it received</p> <p>21 from the consortium in late 2014 regarding this</p> <p>22 updated schedule and cost, correct?</p> <p>23 A. I don't -- I think I am familiar with that,</p> <p>24 yes, sir.</p> <p>25 (Exhibit No. 7 was marked for</p>
174	<p>1 A. I don't recall them coming in to tell me</p> <p>2 that.</p> <p>3 Q. Is it true that no one on -- no one from the</p> <p>4 staff came to you and said, we need more information</p> <p>5 about a Bechtel report?</p> <p>6 A. I thought that was the same question; is it</p> <p>7 not?</p> <p>8 Q. No. I asked about an assessment in the</p> <p>9 first instance and a report in the second.</p> <p>10 A. They came to me and said they needed more</p> <p>11 information on the report? I don't recall them doing</p> <p>12 that.</p> <p>13 Q. And they never came to you at all and said,</p> <p>14 we need more information regarding Bechtel?</p> <p>15 A. And that was a long time. After it became</p> <p>16 public in 2017, they did seek more information but</p> <p>17 not before then, I don't recall that.</p> <p>18 Q. Even though, to your understanding, the</p> <p>19 staff knew there was an assessment that Bechtel had</p> <p>20 provided a presentation and that Mike Couick was</p> <p>21 asking for copies of the report?</p> <p>22 MR. LIGHTSEY: Object to the form.</p> <p>23 THE WITNESS: I didn't -- I don't</p> <p>24 know what your question is.</p> <p>25</p>	176	<p>1 identification.)</p> <p>2 Q. Okay. I have handed you what I have marked</p> <p>3 as Exhibit 7. Are you familiar with the document</p> <p>4 that I have handed to you as Exhibit 7, Mr. Scott?</p> <p>5 A. No, sir.</p> <p>6 Q. Have you seen this document before?</p> <p>7 A. No, sir.</p> <p>8 Q. You have never seen it before?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. But you're familiar with the process through</p> <p>11 which the ORS issued audit information requests to</p> <p>12 SCE&G, correct?</p> <p>13 A. Generally speaking.</p> <p>14 Q. And you're familiar that SCE&G responded to</p> <p>15 those audit information requests, correct?</p> <p>16 A. I don't know that. I mean, there is a</p> <p>17 response down here, but --</p> <p>18 Q. As you sit here today, are you aware of a</p> <p>19 specific audit information request the ORS issued to</p> <p>20 SCE&G that SCE&G refused to respond to?</p> <p>21 A. I don't know of one.</p> <p>22 Q. Okay.</p> <p>23 A. Other than the one where they asked for</p> <p>24 reports and they didn't mention the Bechtel report.</p> <p>25 Q. We'll come to that one in a little bit.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

177	<p>1 This particular -- well, describe to me the</p> <p>2 process that you understood to take place at the</p> <p>3 staff regarding audit information requests. Did that</p> <p>4 just go on without your knowledge whatsoever?</p> <p>5 A. Term "whatsoever" -- they did issue requests</p> <p>6 that I didn't know about.</p> <p>7 Q. That you did or did not know about?</p> <p>8 A. They did issues requests that I wouldn't</p> <p>9 know about.</p> <p>10 Q. Okay. And would you be aware of the content</p> <p>11 of the requests at any time?</p> <p>12 A. Not -- not -- not totally, no, sir.</p> <p>13 Q. And then there was a process for the staff</p> <p>14 to review the information that was provided?</p> <p>15 A. I would think so.</p> <p>16 Q. But you're not at all familiar with that</p> <p>17 process?</p> <p>18 A. You use words like "at all" and things like</p> <p>19 that that's just all-encompassing, you know, "all"</p> <p>20 and "never" is hard to group. I wouldn't, as a</p> <p>21 routine, when they get requests back, I wouldn't be</p> <p>22 involved in reviewing the requests.</p> <p>23 Q. Do you know what process the staff had for</p> <p>24 reviewing information provided in response to audit</p> <p>25 information requests?</p>	179	<p>1 Q. Okay. Was it your expectation of the staff</p> <p>2 that they would inform you of significant information</p> <p>3 received in response to audit information requests?</p> <p>4 A. In their discretion, I would think so. I</p> <p>5 would rely on their discretion.</p> <p>6 Q. But it's certainly the case, to your</p> <p>7 understanding, that if information was provided in</p> <p>8 response to an audit information request, that the</p> <p>9 staff, at least, was familiar with that information?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So let's look at a couple of pages in</p> <p>12 the document that I have given to you.</p> <p>13 A. Okay.</p> <p>14 Q. Do you see on the very first page of the</p> <p>15 presentation that it indicates, "The information</p> <p>16 contained herein is an estimate based on assumptions</p> <p>17 and facts known to the contractor at this point in</p> <p>18 time"?</p> <p>19 A. I read that yes, sir.</p> <p>20 Q. Then on page three of the presentation lists</p> <p>21 certain key assumptions for the revised estimate</p> <p>22 that's described here, correct?</p> <p>23 A. The heading is "Key Assumptions for Revised</p> <p>24 Estimate."</p> <p>25 Q. Were you aware of any of these assumptions</p>
178	<p>1 A. Not specifically.</p> <p>2 Q. Do you know generally?</p> <p>3 A. I would think, but I don't -- I don't know</p> <p>4 whether I'm supposed to be thinking or not, that they</p> <p>5 had a process, but that wouldn't be -- I wouldn't</p> <p>6 know what that process was.</p> <p>7 Q. It's not something you were involved with at</p> <p>8 all as the Executive Director of the ORS/</p> <p>9 A. Again, "at all." I wasn't generally, as a</p> <p>10 general rule, involved with the review.</p> <p>11 Q. What I'm trying to understand, Mr. Scott, is</p> <p>12 the full scope of your knowledge on this particular</p> <p>13 topic, which is: How did you, as the Executive</p> <p>14 Director of the Office of Regulatory Staff,</p> <p>15 understand and expect the staff would issue audit</p> <p>16 information requests and deal with the information</p> <p>17 provided in response? And if you have described to</p> <p>18 me the full extent of that knowledge, fine, we can</p> <p>19 move on.</p> <p>20 A. Yes.</p> <p>21 Q. But if there is anything else specific that</p> <p>22 you know of as to how those requests went out or once</p> <p>23 the information was received in response, what the</p> <p>24 staff did with it, please tell me.</p> <p>25 A. I can't think of anything.</p>	180	<p>1 that related to Westinghouse's 2014 estimate at</p> <p>2 completion?</p> <p>3 A. I wasn't aware of this document.</p> <p>4 Q. But the staff would have been because the</p> <p>5 staff reviewed the information provided in response</p> <p>6 to audit information requests, correct?</p> <p>7 A. I think this came from the staff, did it</p> <p>8 not? Well, a response back to them.</p> <p>9 Q. So you would have expected that the staff</p> <p>10 was aware, as this document conveys, that the</p> <p>11 estimate completion provided by the consortium to</p> <p>12 SCE&G was dependent on productivity factors that were</p> <p>13 assumed to improve going forward?</p> <p>14 A. Is that on this list?</p> <p>15 Q. Number seven.</p> <p>16 A. And assumed improvements going forward, is</p> <p>17 what it says.</p> <p>18 Q. So the staff would have known at the time</p> <p>19 that the estimate completion provided by the</p> <p>20 consortium in 2014 depended on assumed improvements</p> <p>21 in productivity factor?</p> <p>22 A. That's what it said.</p> <p>23 Q. Did you know that?</p> <p>24 A. I don't know that I knew it in 2014. In</p> <p>25 2016, I think Mr. Jones testified that, without</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

181	<p>1 improvements in productivity factors, there was a</p> <p>2 risk that they wouldn't meet the tax credit. But I'm</p> <p>3 not familiar with it back in 2014, I don't think I</p> <p>4 am. Now, there might be something in those letters</p> <p>5 they put in there that I don't remember.</p> <p>6 Q. In 2014, you didn't know that the consortium</p> <p>7 had assumed improvements in productivity factors in</p> <p>8 the estimate completion it provided?</p> <p>9 A. I don't remember that now. Like I said, you</p> <p>10 know, the staff helped me with those letters, and</p> <p>11 there might be something in the letter to -- to the</p> <p>12 PERC signed by me that says that, but I don't recall</p> <p>13 that.</p> <p>14 Q. Okay.</p> <p>15 A. But it may well be that, and it may be in</p> <p>16 one of those letters, I just don't know. It's just</p> <p>17 hard to remember all of this of 2014.</p> <p>18 Q. Let's look at page 28 of this document.</p> <p>19 A. Okay.</p> <p>20 Q. You see the title of this slide is "Craft</p> <p>21 Productivity"?</p> <p>22 A. Yes.</p> <p>23 Q. You see that it indicates the, "Current PF</p> <p>24 equals 1.41," second bullet?</p> <p>25 A. I see the second bullet, yes, sir.</p>	183	<p>1 A. Yes, sir.</p> <p>2 Q. "To be realized through gradual improvements</p> <p>3 over a six-month period."</p> <p>4 Do you see that?</p> <p>5 A. I read that, yes.</p> <p>6 Q. So does that convey to you that the estimate</p> <p>7 to completion, as described in this presentation,</p> <p>8 assumed improvements in the productivity factor so</p> <p>9 that that factor would get to 1.15 over six months?</p> <p>10 A. Based on what I know today -- I don't know</p> <p>11 that I would have known that then, but based on what</p> <p>12 I know today, I believe that you're correct.</p> <p>13 Q. And the reason you didn't know that then is</p> <p>14 because you don't ever remember seeing this document,</p> <p>15 right?</p> <p>16 A. I don't remember seeing it.</p> <p>17 Q. But you would have expected the staff to</p> <p>18 understand it?</p> <p>19 A. Well, staff understood it.</p> <p>20 Q. Don't you, based on the information that you</p> <p>21 knew the staff had, wouldn't it have been possible</p> <p>22 for the staff to determine whether the consortium had</p> <p>23 met a 1.15 performance factor within six months of</p> <p>24 2014?</p> <p>25 A. I don't know.</p>
182	<p>1 Q. You know what PF is, don't you, Mr. Scott?</p> <p>2 A. Productive -- productivity factor?</p> <p>3 Q. Yeah. Is that consistent with your</p> <p>4 understanding in the 2015 time frame that PF, as it</p> <p>5 relates to the project, is productivity factor?</p> <p>6 A. The PF meant productivity factor?</p> <p>7 Q. Yes, sir.</p> <p>8 A. I don't know that I knew in 2014 but I did</p> <p>9 learn it.</p> <p>10 Q. The productivity factor of 1.41, did you</p> <p>11 know that the inception to date productivity factor</p> <p>12 in 2014 for the project was 1.41?</p> <p>13 A. I didn't -- I wouldn't have known that. I</p> <p>14 don't think. It might be in one of the letters, but</p> <p>15 I don't have any recollection of knowing.</p> <p>16 Q. But the staff certainly knew it because the</p> <p>17 staff received this document?</p> <p>18 A. The staff must have known it, yeah.</p> <p>19 Q. Do you have any idea as to the assumed</p> <p>20 productivity factor for the project from this point</p> <p>21 forward?</p> <p>22 A. No, sir.</p> <p>23 Q. Let's look at the last bullet on this page.</p> <p>24 A. I got that.</p> <p>25 Q. "ETC PF of 1.15."</p>	184	<p>1 Q. You don't know whether or not the staff</p> <p>2 received monthly reports showing the productive</p> <p>3 factor for the prior 30-day period?</p> <p>4 A. Now, that sounds like a different question.</p> <p>5 I thought you had asked me if they could calculate</p> <p>6 it. That's not what you asked me?</p> <p>7 Q. No. Do they know.</p> <p>8 So are you familiar with the fact that the</p> <p>9 staff received reports on a monthly basis reflecting</p> <p>10 the productivity factors for the prior month's</p> <p>11 period?</p> <p>12 A. I wasn't consciously aware of it at the time</p> <p>13 but I would expect they probably did, yes, sir.</p> <p>14 Q. So then you would have expected that the</p> <p>15 staff could determine whether this 1.15 promised</p> <p>16 product productivity factor was met within six months</p> <p>17 of August 2014?</p> <p>18 A. I don't know. I mean, it seems reasonable</p> <p>19 to me but I don't know what staff would --</p> <p>20 Q. Did you know by May 2015 whether the</p> <p>21 consortium had met this commitment?</p> <p>22 A. No, sir.</p> <p>23 Q. Does that seem significant to you?</p> <p>24 A. Seems significant now.</p> <p>25 Q. Would you have expected the staff to be</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

185	<p>1 paying attention to that?</p> <p>2 A. I'm sure they were.</p> <p>3 Q. Would you have expected the staff to inform</p> <p>4 you if the promised productivity factor hadn't been</p> <p>5 met?</p> <p>6 A. I would expect them to use their discretion</p> <p>7 to see whether that was a big enough issue to do it.</p> <p>8 But I would leave it to their discretion. And I</p> <p>9 think they probably -- I mean, they may have. I</p> <p>10 don't know.</p> <p>11 Q. But you don't know. So sitting here today</p> <p>12 in 2018, you don't know whether the staff told you</p> <p>13 that?</p> <p>14 A. I don't -- I don't know in 2014 whether they</p> <p>15 told me that.</p> <p>16 Q. Do you believe the staff served you well?</p> <p>17 A. Yes, sir.</p> <p>18 Q. But you can't recall whether or not they</p> <p>19 told you whether this promised productivity factor</p> <p>20 was met?</p> <p>21 A. I can't recall that.</p> <p>22 Q. So that fact, whether they told you, is</p> <p>23 immaterial to you saying that the staff served you</p> <p>24 well; is that right?</p> <p>25 A. You have got a way with words. I don't know</p>	187	<p>1 A. The third page?</p> <p>2 Q. Yeah, you're on it, right there.</p> <p>3 A. Okay. Yeah, say that again?</p> <p>4 Q. Yeah. Did you know the substance of what's</p> <p>5 conveyed in the first three sentences?</p> <p>6 A. Question number one?</p> <p>7 Q. And the Response to question number one.</p> <p>8 A. I have read the first several sentences.</p> <p>9 Q. Did you understand that in 2015?</p> <p>10 A. I don't think so. I mean, I have never seen</p> <p>11 this -- I don't think I have seen this document nor</p> <p>12 do I remember such a conversation.</p> <p>13 Q. So you don't remember the staff informing</p> <p>14 you that the consortium represented that it will</p> <p>15 improve the productivity factor from current level to</p> <p>16 1.15?</p> <p>17 A. I don't remember it, but that doesn't -- I</p> <p>18 mean, we have a lot of conversations, we're going</p> <p>19 back four years or so, it's hard to remember these</p> <p>20 things.</p> <p>21 Q. And you don't recall whether or not the</p> <p>22 staff informed you that SCE&G had told it, based upon</p> <p>23 productivity factors achieved to date on Units 2 and</p> <p>24 3, SCE&G has had frank discussions with the</p> <p>25 consortium about achieving the improved productivity</p>
186	<p>1 that it's immaterial, but I'll tell you, I believe</p> <p>2 staff overall did a great job for me. I don't think</p> <p>3 I'm out of a job because of what the staff did.</p> <p>4 (Exhibit No. 8 was marked for</p> <p>5 identification.)</p> <p>6 Q. I'm going to show you what you I have marked</p> <p>7 as Exhibit 8.</p> <p>8 A. Yes, sir.</p> <p>9 Q. It's another Response to an Audit</p> <p>10 Information Request.</p> <p>11 A. Yes, sir.</p> <p>12 Q. Are you familiar with this particular</p> <p>13 document?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you believe that you would have seen this</p> <p>16 document in 2015?</p> <p>17 A. No, sir.</p> <p>18 Q. But it is your understanding that the staff</p> <p>19 would have received and reviewed this particular</p> <p>20 document, correct?</p> <p>21 A. If this is what it purports to be, I would</p> <p>22 think they would.</p> <p>23 Q. So did you know -- if you flip to the third</p> <p>24 page of this document, the question and the response.</p> <p>25 Do you see that?</p>	188	<p>1 factor of 1.15?</p> <p>2 A. I don't recall that. Believe me, I mean,</p> <p>3 it's been four years, and it's been a hard</p> <p>4 year-and-a-half.</p> <p>5 Q. Okay. Nor do you recall, as we sit here</p> <p>6 today, that SCE&G informed the staff that SCE&G</p> <p>7 believed that it would be speculative to use a</p> <p>8 different productivity factor than what the</p> <p>9 consortium had provided?</p> <p>10 A. I don't recall that being discussed.</p> <p>11 Q. Nor did you know that SCE&G informed the</p> <p>12 staff that SCE&G does not believe it is appropriate</p> <p>13 or in the best interest of SCE&G and its customers to</p> <p>14 suggest to the consortium that it should not make</p> <p>15 every effort to meet its commitment to improve labor</p> <p>16 productivity?</p> <p>17 A. I don't recall that. Now, it may be in one</p> <p>18 of those letters or it may be somewhere else, but I</p> <p>19 don't remember that with the years gone by.</p> <p>20 Q. So you understand this audit information</p> <p>21 request related to the matters pending in the 2015</p> <p>22 docket; isn't that right?</p> <p>23 A. Sir?</p> <p>24 Q. You understand that the audit information</p> <p>25 request that I have handed to you related to matters</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

189	<p>1 pending in the 2015 docket; is that right?</p> <p>2 A. I don't -- I guess.</p> <p>3 Q. Well, just look at the title to the</p> <p>4 document, the very first page of it.</p> <p>5 A. Yes, it says that here, yeah.</p> <p>6 (Exhibit No. 9 was marked for</p> <p>7 identification.)</p> <p>8 Q. I have handed you what I have marked as</p> <p>9 Exhibit 9 to your deposition.</p> <p>10 A. Uh-huh.</p> <p>11 Q. This is a Settlement Agreement entered into</p> <p>12 related to the matters pending in the 2015 docket,</p> <p>13 right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Would you have reviewed the Settlement</p> <p>16 Agreement before it was executed and presented to the</p> <p>17 Commission?</p> <p>18 A. I would have known about it. Now, whether I</p> <p>19 read the document or not, not necessarily.</p> <p>20 Q. Whose responsibility was it to review the</p> <p>21 substance of the Settlement Agreements the ORS</p> <p>22 entered into with the utility?</p> <p>23 A. Now, I would have known the general</p> <p>24 parameters of it because I was involved with it, but</p> <p>25 I didn't -- I am not the one that would have read it</p>	191	<p>1 reviewing in detail SCE&G's requests as described in</p> <p>2 the 2015 docket, right?</p> <p>3 MR. LIGHTSEY: Object to the form.</p> <p>4 THE WITNESS: That's a long --</p> <p>5 that's a long list of questions, but it would</p> <p>6 have been after we'd done monitoring.</p> <p>7 BY MR. CHALLY:</p> <p>8 Q. The monitoring and the collection and review</p> <p>9 of significant information related to the docket?</p> <p>10 A. I would think so.</p> <p>11 Q. Are you aware in 2014 that the consortium</p> <p>12 was in the midst of re-baselining its schedule?</p> <p>13 A. I don't know that I was. I do know I have</p> <p>14 heard that term "re-baselining" before in this case.</p> <p>15 (Exhibit No. 10 was marked for</p> <p>16 identification.)</p> <p>17 Q. Okay. I have just handed you what I have</p> <p>18 marked as Exhibit 10 to your deposition.</p> <p>19 A. Yes, sir.</p> <p>20 Q. This is -- are you familiar with this</p> <p>21 document?</p> <p>22 A. I am familiar that at one point we did have</p> <p>23 a review of their quarterly report.</p> <p>24 Q. And this is a review that you provided to</p> <p>25 the Commission?</p>
190	<p>1 to make sure it did what we said it did.</p> <p>2 Q. So then you would have known that the</p> <p>3 parties to the Settlement Agreement, which includes</p> <p>4 the ORS, agreed that the modified construction</p> <p>5 schedule and capital cost schedule are not the result</p> <p>6 of imprudence by SCE&G and are fully consistent with</p> <p>7 the requirements of the BLRA; is that right?</p> <p>8 A. I am not surprised it's in there. I don't</p> <p>9 know that I saw it.</p> <p>10 Q. But that's consistent with your</p> <p>11 understanding as to the conclusions the ORS reached</p> <p>12 in 2015?</p> <p>13 A. That wouldn't be -- that would be consistent</p> <p>14 with what they --</p> <p>15 Q. And this --</p> <p>16 A. I think that would be consistent. I would</p> <p>17 hope it would be. Go ahead.</p> <p>18 Q. Okay. And this Settlement Agreement was</p> <p>19 entered into after the ORS had exercised its rights</p> <p>20 and fulfilled its responsibilities under South</p> <p>21 Carolina law to monitor the status of the project,</p> <p>22 and to request and review substantial amounts of</p> <p>23 relevant financial data from the company auditing the</p> <p>24 quarterly reports submitted by the company,</p> <p>25 inspecting the books and records of the company, and</p>	192	<p>1 A. ORS provided it.</p> <p>2 Q. Fair enough.</p> <p>3 Did ORS provide it to the Commission --</p> <p>4 A. Yes, sir.</p> <p>5 Q. -- regarding the status of construction,</p> <p>6 right?</p> <p>7 A. Yes, sir. That's my understanding is what</p> <p>8 we did. I didn't personally provide it or personally</p> <p>9 write it.</p> <p>10 Q. But you were familiar with the contents of</p> <p>11 this particular document?</p> <p>12 A. Not -- I mean, I guess the answer to that</p> <p>13 is, no, I didn't read it before it went out.</p> <p>14 Q. You didn't read these reports before they</p> <p>15 went to the Commission?</p> <p>16 A. No, sir.</p> <p>17 Q. Who was responsible for reading the reports</p> <p>18 before they went to the Commission?</p> <p>19 A. Well, I think the NND prepared them, and</p> <p>20 then I think the lawyers reviewed them.</p> <p>21 Q. Did you have any awareness of the substance</p> <p>22 of what was contained in these reports?</p> <p>23 A. Yes, yes, sir. I mean, I think the answer</p> <p>24 to that is yes. I mean, I would assume the substance</p> <p>25 of what we found and report on what we found.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">193</p> <p>1 Q. So then you were aware in 2014 that the</p> <p>2 consortium had indicated to SCE&G that the</p> <p>3 substantial completion date of Unit 2 and Unit 3 were</p> <p>4 expected to be delayed?</p> <p>5 A. Not based on this report, but I did have --</p> <p>6 ORS did report to us that there was a scheduling</p> <p>7 issue, but I also think they said they haven't</p> <p>8 accepted it yet, so we --</p> <p>9 Q. Right. So if you flip with me to page one</p> <p>10 of this Executive Summary.</p> <p>11 A. Okay.</p> <p>12 Q. See the very first sentence of the second</p> <p>13 paragraph after "Approved schedule review", it says,</p> <p>14 "SCE&G reports to ORS that a revised fully integrated</p> <p>15 construction schedule will be available in the third</p> <p>16 quarter of 2014."</p> <p>17 A. Okay, now, where is that?</p> <p>18 Q. First sentence in the second paragraph.</p> <p>19 A. Oh, second. Okay. The second paragraph</p> <p>20 starts "As previously"?</p> <p>21 Q. No. Second paragraph after "Approved</p> <p>22 schedule review."</p> <p>23 A. Oh, okay.</p> <p>24 Q. Okay. Do you see that?</p> <p>25 A. I read what you say, yes.</p>	<p style="text-align: right;">195</p> <p>1 Q. Who would have been responsible for</p> <p>2 interacting with the consortium to receive the</p> <p>3 schedule information?</p> <p>4 A. The NND department.</p> <p>5 Q. Who specifically?</p> <p>6 A. New Nuclear Development Department, I would</p> <p>7 think.</p> <p>8 Q. Who specifically?</p> <p>9 A. Anthony James, as head of it.</p> <p>10 Q. Okay. And the ORS --</p> <p>11 MR. LIGHTSEY: Excuse me, I am not</p> <p>12 sure the witness is looking at the same letter</p> <p>13 that you're looking at.</p> <p>14 THE WITNESS: This one?</p> <p>15 MR. LIGHTSEY: First one after</p> <p>16 the --</p> <p>17 BY MR. CHALLY:</p> <p>18 Q. March 20.</p> <p>19 A. Oh, yeah, okay. I'm looking at the second.</p> <p>20 I'm sorry.</p> <p>21 Q. So as this March 20 letter conveys, the ORS</p> <p>22 was aware that the consortium was no longer going to</p> <p>23 participate in these monthly schedule-related</p> <p>24 meetings; is that right?</p> <p>25 A. Yes, sir, I think that's what this letter</p>
<p style="text-align: right;">194</p> <p>1 Q. So the ORS was informed that the consortium</p> <p>2 was engaging in a re-baselining of the schedule and</p> <p>3 that SCE&G was expecting to receive a revised fully</p> <p>4 integrated construction schedule in the third quarter</p> <p>5 of 2014?</p> <p>6 MR. LIGHTSEY: Object to the form.</p> <p>7 THE WITNESS: I don't know about</p> <p>8 the first part, but it does say that SCE&G is</p> <p>9 expecting, available in the third quarter</p> <p>10 of 2014. That's what it says. It doesn't say</p> <p>11 that first part of your question.</p> <p>12 BY MR. CHALLY:</p> <p>13 Q. Look with me to the appendix.</p> <p>14 A. Appendix A?</p> <p>15 Q. Yes, sir. These are certain letters that</p> <p>16 are attached to this report. The first is a</p> <p>17 March 20, 2014 letter to the Commission sent by</p> <p>18 Shannon Hudson. Do you see that?</p> <p>19 A. I think I'm at it now, yes, sir.</p> <p>20 Q. So prior to 2014, are you aware that the ORS</p> <p>21 was receiving monthly updates regarding construction</p> <p>22 progress from the consortium?</p> <p>23 A. It wouldn't surprise me to know that. I</p> <p>24 don't know that I had actual knowledge of that in</p> <p>25 2014.</p>	<p style="text-align: right;">196</p> <p>1 says.</p> <p>2 Q. And you're familiar with that fact?</p> <p>3 A. Yes, sir.</p> <p>4 Q. That's a letter dated March 20, 2014. And</p> <p>5 then the ORS followed up on that letter on May 19,</p> <p>6 2014, and that's the second letter that's attached.</p> <p>7 A. Yes, sir. That was the one I was looking at</p> <p>8 earlier.</p> <p>9 Q. Do you recall how this issue that was</p> <p>10 described in the March 20 letter was ultimately</p> <p>11 resolved?</p> <p>12 A. No, sir.</p> <p>13 Q. Flip to the third letter.</p> <p>14 A. Yes, sir.</p> <p>15 Q. Which is a letter to you from Steve Byrne.</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you know who Steve Byrne is?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you recall receiving this letter in May</p> <p>20 of 2014?</p> <p>21 A. I don't recall it, but that don't mean I</p> <p>22 didn't get it. I mean, obviously I got it, but I</p> <p>23 don't recall the letter.</p> <p>24 Q. And you would have received this</p> <p>25 information, and particularly considering that you,</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

197	<p>1 the ORS, provided it to the Commission, it would have</p> <p>2 reviewed and understood the contents that were</p> <p>3 described in the letter, right?</p> <p>4 A. Please repeat that question?</p> <p>5 Q. So you received this letter, and</p> <p>6 particularly considering the fact that the ORS</p> <p>7 provided it to the Commission, the ORS would have</p> <p>8 understood the contents of the letter sent to you?</p> <p>9 A. Somebody would have.</p> <p>10 Q. But you're not sure whether you understood</p> <p>11 all of the information that was described in the</p> <p>12 letter?</p> <p>13 A. Probably not.</p> <p>14 Q. Does this letter convey to you that there</p> <p>15 was a re-baselining of the schedule ongoing in 2014?</p> <p>16 A. Where is that in here?</p> <p>17 Q. The second page. "During the fourth quarter</p> <p>18 of 2013, the consortium began a full re-baselining of</p> <p>19 the Unit 2 and Unit 3 construction schedules."</p> <p>20 A. That's what it says, yes, sir.</p> <p>21 Q. All right. And you understood that this</p> <p>22 re-baselining was anticipated to be complete in the</p> <p>23 third quarter of 2014; is that right?</p> <p>24 A. Where is that coming from?</p> <p>25 Q. In that same paragraph. "Based on</p>	199	<p>1 of CB&I and Mr. Roderick was the President and CEO of</p> <p>2 Westinghouse?</p> <p>3 A. I don't -- I don't remember that. I</p> <p>4 didn't -- I don't think we had direct -- I didn't</p> <p>5 have direct correspondence.</p> <p>6 Q. All right. This is a letter sent by Lonnie</p> <p>7 Carter and Kevin Marsh --</p> <p>8 A. Right.</p> <p>9 Q. -- to the CEOs of CB&I and Westinghouse on</p> <p>10 May 6, 2014.</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall seeing this letter before?</p> <p>13 A. No, sir, I do not recall seeing this letter</p> <p>14 before.</p> <p>15 Q. Do you know whether or not you received this</p> <p>16 letter before?</p> <p>17 A. It doesn't indicate that I did and I sure</p> <p>18 don't think I did.</p> <p>19 Q. Why do you not think that you received this</p> <p>20 letter?</p> <p>21 A. Because I don't remember it. I'm not</p> <p>22 showing getting a copy of it.</p> <p>23 Q. All right. Now if we go back to the prior</p> <p>24 exhibit that I had showed you, this one.</p> <p>25 A. Okay.</p>
198	<p>1 representations from the consortium, SCE&G</p> <p>2 anticipates that the revised fully integrated</p> <p>3 construction schedule" --</p> <p>4 A. Then that's what it says, yes, sir.</p> <p>5 Q. And then following receipt of that, SCE&G</p> <p>6 had plans to re-evaluate and reschedule its owner's</p> <p>7 cost estimates and cash flow requirements in light of</p> <p>8 that schedule, right?</p> <p>9 A. I don't know where that is in here but it</p> <p>10 must be.</p> <p>11 Q. It's the very next sentence.</p> <p>12 Also, do you recall independently that SCE&G</p> <p>13 objected to the consortium cutting off the monthly</p> <p>14 reviews of the project schedule?</p> <p>15 A. I don't -- I don't remember that.</p> <p>16 (Exhibit No. 11 was marked for</p> <p>17 identification.)</p> <p>18 Q. I am handing you what I have marked as</p> <p>19 Exhibit 11. This is a letter sent to Phil Asherman</p> <p>20 and Danny Roderick. Do you know who Phil Asherman</p> <p>21 and Danny Roderick are?</p> <p>22 A. I mean I can read it, but other than that I</p> <p>23 don't know who they are.</p> <p>24 Q. So you don't remember that they were the</p> <p>25 president -- Mr. Asherman was the President and CEO</p>	200	<p>1 Q. We have, the very first letter in Appendix A</p> <p>2 is a March 20 letter, right?</p> <p>3 A. I'm trying to get back to it because I was</p> <p>4 on the wrong letter before. Appendix A, March 20</p> <p>5 letter.</p> <p>6 Q. The second letter is a May 19 letter. Do</p> <p>7 you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Is it your testimony that the May 6, 2014</p> <p>10 letter had no impact on the conclusions that the ORS</p> <p>11 reached in the May 19, 2014 letter?</p> <p>12 MR. LIGHTSEY: I object to the</p> <p>13 form.</p> <p>14 THE WITNESS: I don't know. I</p> <p>15 have never seen -- not to my knowledge, and I am</p> <p>16 going by memory, but I think I would remember</p> <p>17 that one. But to my knowledge I have never seen</p> <p>18 it. I don't think staff did either, but I don't</p> <p>19 know that.</p> <p>20 BY MR. CHALLY:</p> <p>21 Q. In May 19, 2014, Ms. Hudson writes to the</p> <p>22 Public Service Commission in the third paragraph that</p> <p>23 "SCE&G has been responsive in addressing our</p> <p>24 concerns."</p> <p>25 Do you see that?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

201	<p>1 A. Yes, sir.</p> <p>2 Q. Are you familiar with how specifically SCE&G</p> <p>3 was responsive in addressing concerns?</p> <p>4 A. No, sir.</p> <p>5 Q. You have no memory of this at all?</p> <p>6 A. I have a -- I have a memory of the temporary</p> <p>7 suspension of the monthly schedule. I don't have</p> <p>8 a -- I don't have a memory of how specifically they</p> <p>9 were in responding. Now, she says specifically and</p> <p>10 went on, but I am not familiar with that.</p> <p>11 Q. Do you remember any other correspondence or</p> <p>12 communications with SCE&G in March, April and May of</p> <p>13 2014 regarding the re-baselining of the schedule?</p> <p>14 A. I don't remember any communications I had</p> <p>15 with them.</p> <p>16 Q. But at least as Ms. Hudson is describing to</p> <p>17 the Commission in this May 19 letter, the ORS had no</p> <p>18 issue with the current status of the schedule</p> <p>19 information it was receiving in May of 2014, right?</p> <p>20 A. I'm not sure they had no issue with it, but</p> <p>21 she certainly says that -- what it says, it says, but</p> <p>22 I don't know whether "no issue" is correct.</p> <p>23 Q. No issue that it thought it needed to inform</p> <p>24 the Commission to take further action on it; is that</p> <p>25 right?</p>	203	<p>1 the on-time completion of the units; isn't that</p> <p>2 right?</p> <p>3 A. Where are you getting that from?</p> <p>4 Q. Page 15.</p> <p>5 A. Sir?</p> <p>6 Q. Page 15.</p> <p>7 A. Okay. Tell me what you're talking about.</p> <p>8 Q. What I am really asking you, Mr. Scott, is</p> <p>9 whether you, as the Executive Director at the Office</p> <p>10 of Regulatory Staff, were aware in 2015 that there</p> <p>11 were construction challenges on the project.</p> <p>12 A. I would think that I would be generally</p> <p>13 aware that there were construction challenges on the</p> <p>14 project, but I don't -- I don't -- I wouldn't know</p> <p>15 first-hand knowledge what those challenges are.</p> <p>16 Q. But whatever is reported here accurately, to</p> <p>17 your understanding, reflects the information the ORS</p> <p>18 had regarding the problems on the project; is that</p> <p>19 right?</p> <p>20 A. It would -- it should reflect that. I don't</p> <p>21 know in fact whether it does or not, but it should</p> <p>22 reflect that, yes, sir.</p> <p>23 Q. Did you know, at this time, that SCE&G has</p> <p>24 identified in its petition that the low productivity</p> <p>25 of the construction workforce has increased the cost</p>
202	<p>1 A. Well, they don't ask them to take further</p> <p>2 action on it, that I know of.</p> <p>3 (Exhibit No. 12 was marked for</p> <p>4 identification.)</p> <p>5 Q. I'm handing you what I have marked as</p> <p>6 Exhibit 12 to your deposition.</p> <p>7 A. Yes, sir.</p> <p>8 Q. Have you seen this document before?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. It's another report provided to the Public</p> <p>11 Service Commission related to ORS's monitoring of</p> <p>12 project, right?</p> <p>13 A. I think it's a review of SCE&G's quarterly</p> <p>14 report.</p> <p>15 Q. Right. And the information was provided to</p> <p>16 the Public Service Commission, right?</p> <p>17 A. I would think it would be. I didn't</p> <p>18 personally provide it but I would think it would be.</p> <p>19 Q. Were you at all involved in the preparation</p> <p>20 of this report?</p> <p>21 A. No, sir. "At all," you know, I am the</p> <p>22 Executive Director, so "at all," it's under my</p> <p>23 supervision but I didn't put any writings in it.</p> <p>24 Q. So at this time in July of 2015, the ORS was</p> <p>25 aware of several ongoing concerns that create risk to</p>	204	<p>1 of the project and that corrective measures have been</p> <p>2 identified to improve this productivity, but the</p> <p>3 impact of these directive measures is not yet known?</p> <p>4 A. I don't know that I would be.</p> <p>5 Q. Did you know that low productivity could</p> <p>6 also affect schedule performance?</p> <p>7 A. I learned that, but I'm not an engineer, so</p> <p>8 I didn't know that, and I don't think -- I probably</p> <p>9 didn't know it in 2014, 2015, but I learned it.</p> <p>10 Q. Flip with me to page 17.</p> <p>11 A. Yes, sir.</p> <p>12 Q. Would you agree with me that the paragraph</p> <p>13 entitled "Construction Productivity" conveys in sum</p> <p>14 and substance what I just asked you?</p> <p>15 A. I think it's consistent with what you said,</p> <p>16 and it says what it says. The question is what it</p> <p>17 is, but --</p> <p>18 Q. So were you aware of this information when</p> <p>19 the ORS decided to enter into a Settlement Agreement</p> <p>20 in 2015?</p> <p>21 A. I should have been. I don't know.</p> <p>22 Q. The staff would have certainly been aware of</p> <p>23 the information?</p> <p>24 A. Right, and it certainly would have been</p> <p>25 available to me.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

205	<p>1 Q. But you just think you didn't need more</p> <p>2 information to agree to allow the Office of</p> <p>3 Regulatory Staff to sign on to that Settlement</p> <p>4 Agreement?</p> <p>5 MR. LIGHTSEY: Object to the form.</p> <p>6 THE WITNESS: At the time, I</p> <p>7 didn't. Now, I have come to -- I have come to</p> <p>8 probably -- to realize now that it was more than</p> <p>9 I knew and more than the staff knew, so --</p> <p>10 But at the time we entered that</p> <p>11 agreement, I thought it was based on what the</p> <p>12 information we knew, including this, and the</p> <p>13 mission of the ORS, the definition of public</p> <p>14 interest, and the fact that we were working</p> <p>15 toward a solution, a project that would be a</p> <p>16 great benefit to the state. Remember we had</p> <p>17 economic development and jobs, and we also had</p> <p>18 financial integrity utility. I felt when you</p> <p>19 took all that into consideration, that that -- at</p> <p>20 that time -- at that time and space, and it</p> <p>21 hadn't been in since 2012, and I thought the</p> <p>22 overall project costs were in line.</p> <p>23 In fact, it wasn't much what we</p> <p>24 thought the project was going to cost in 2009</p> <p>25 when it came in, they project the cost. Now, it</p>	207	<p>1 A. Yes, sir.</p> <p>2 Q. The address line for this letter indicates</p> <p>3 that Byron Hinson is associated with SCANA Services,</p> <p>4 Inc.</p> <p>5 A. Yes, that's what the address line is, yes.</p> <p>6 Q. Do you know what SCANA Services, Inc., is?</p> <p>7 A. Generally speaking, you know, you have</p> <p>8 got -- and you probably know better than I do. But</p> <p>9 you have got SCANA Holding, and it's a holding</p> <p>10 company, and it owns SCE&G, it owns SCANA Services,</p> <p>11 it may own some other, other things. But SCANA</p> <p>12 Services is a, I think, a sub of SCANA.</p> <p>13 Q. Okay. And the ORS knew that in 2015, right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Did you write this letter?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay.</p> <p>18 A. I mean, I didn't write it, I didn't -- no,</p> <p>19 sir, I didn't write it. I signed it, I reviewed it,</p> <p>20 but I wouldn't have known these bullet points.</p> <p>21 Q. Who wrote the letter?</p> <p>22 A. It's probably drafted by -- and of course,</p> <p>23 I -- but, actually, December, it would have probably</p> <p>24 been drafted by -- I think she was back by December</p> <p>25 the 14th, 2015, so it probably would have been</p>
206	<p>1 wasn't because of great construction, but the</p> <p>2 economy had been good to us. So I thought, in</p> <p>3 taking all that into consideration, I thought at</p> <p>4 the time, based on the then definition of public</p> <p>5 interest and the fact that we were still -- we</p> <p>6 were not in an adversarial position with SCE&G.</p> <p>7 We had a lot of respect for SCE&G, a lot of</p> <p>8 respect and, so I thought, overall, that this was</p> <p>9 something that we needed to try to pursue.</p> <p>10 BY MR. CHALLY:</p> <p>11 Q. Your concerns as -- the ORS's concerns, as</p> <p>12 expressed in this document, continued following the</p> <p>13 settlement of the 2015 docket, didn't they?</p> <p>14 A. Please say that again?</p> <p>15 Q. The concerns expressed in this document over</p> <p>16 productivity continued even after resolution of the</p> <p>17 2015 docket, didn't they?</p> <p>18 A. I think our concerns continued, yes, sir.</p> <p>19 (Exhibit No. 13 was marked for</p> <p>20 identification.)</p> <p>21 Q. I'm going to show you what I am handing you</p> <p>22 as Exhibit 13. This is a letter from you to Byron</p> <p>23 Hinson.</p> <p>24 A. Yes, sir.</p> <p>25 Q. Do you know who Byron Hinson is, right?</p>	208	<p>1 Ms. Powell along with Gary Jones and maybe some input</p> <p>2 from Gene Soult.</p> <p>3 Q. Why would it have been sent?</p> <p>4 A. Why would it have been sent? I think they</p> <p>5 suggested I send it.</p> <p>6 Q. Is that it; they suggested it so you agreed</p> <p>7 to do it?</p> <p>8 A. Well, what we -- I think what we were trying</p> <p>9 to do is keep -- get SCE&G informed of what we was</p> <p>10 finding and making recommendations. Again, we had a</p> <p>11 good relationship with them, we thought, in 2015.</p> <p>12 They were a very well respected company. So what we</p> <p>13 were trying to do is say these are some of the</p> <p>14 issues, I think, so called, that the ORS has found.</p> <p>15 Q. And those issues include the ORS's belief</p> <p>16 that the current schedule utilized overly-optimistic</p> <p>17 assumptions; isn't that right?</p> <p>18 A. Is that on this letter?</p> <p>19 Q. It is.</p> <p>20 A. Please tell me where it is.</p> <p>21 Q. It's in the second page, number one.</p> <p>22 A. Where is the answer to your question? What</p> <p>23 was your question?</p> <p>24 Q. Yeah, my question was whether or not the ORS</p> <p>25 was aware in 2015 that the schedule utilized</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">209</p> <p>1 overly-optimistic assumptions.</p> <p>2 A. That's what it says, yes, sir.</p> <p>3 Q. Is this a topic that you discussed with</p> <p>4 members of the ORS staff before you sent the letter?</p> <p>5 A. Well, they would have been the one to draft</p> <p>6 the letter.</p> <p>7 Q. But is this a topic that you would have</p> <p>8 discussed with the ORS staff before you sent the</p> <p>9 letter?</p> <p>10 A. I don't know whether I sat down and</p> <p>11 discussed the letter with them or not. They drafted</p> <p>12 it and I provided it, but I don't know whether there</p> <p>13 was a staff meeting on it.</p> <p>14 Q. Is this an issue about which you were</p> <p>15 independently aware in 2015?</p> <p>16 A. Obviously not independently. I mean, I</p> <p>17 would have been aware of it because the staff put it</p> <p>18 in this letter, but I wouldn't have had independent</p> <p>19 knowledge of it.</p> <p>20 Q. It looks like the staff also pointed out in</p> <p>21 this letter that the increased labor productivity</p> <p>22 rates necessary to obtain the completion dates for</p> <p>23 the project have not been realized and no discernable</p> <p>24 progress has occurred.</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">211</p> <p>1 amendment, were these issues of less concern to the</p> <p>2 ORS?</p> <p>3 A. They were less concern at ORS. But after</p> <p>4 the Settlement Agreement that we had, we were still</p> <p>5 concerned about it but we thought we had the risk</p> <p>6 pushed to SCANA and SCANA thought they had the risk</p> <p>7 pushed to Westinghouse.</p> <p>8 (Exhibit No. 14 was marked for</p> <p>9 identification.)</p> <p>10 Q. Okay. I'm handing you what I have marked as</p> <p>11 Exhibit 14.</p> <p>12 A. From Gary Jones to me, yes, sir.</p> <p>13 Q. Is this an example of a report that Gary</p> <p>14 Jones provided to you following his March 29th and</p> <p>15 30th, 2016 site visit?</p> <p>16 A. Right. I think that's what it is, yeah,</p> <p>17 March 29th and 30th.</p> <p>18 Q. Did you request that he provide you this</p> <p>19 written summaries?</p> <p>20 A. I think I did.</p> <p>21 Q. Did you review the written summaries when</p> <p>22 they were provided?</p> <p>23 A. I mean, what I use these summaries for is to</p> <p>24 write -- or to -- and Allyn used them -- to compose</p> <p>25 the letters that went sometimes to SCE&G and also the</p>
<p style="text-align: right;">210</p> <p>1 Q. Is that a fact that you were familiar with</p> <p>2 in late 2015?</p> <p>3 A. I was obviously familiar with it based on</p> <p>4 this letter, but I didn't have independent knowledge</p> <p>5 of it.</p> <p>6 Q. Was that concerning to you in 2015?</p> <p>7 A. Well, I wouldn't have put it in this letter</p> <p>8 if it wasn't concerning.</p> <p>9 Q. And this is a way that you tried to make</p> <p>10 clear your position and solicit additional</p> <p>11 information from SCE&G regarding the status of the</p> <p>12 project, right?</p> <p>13 A. I don't know whether I asked for additional</p> <p>14 information or not, but it was an attempt to kind of</p> <p>15 brief them on what we were finding.</p> <p>16 Q. All right. You knew though, did you not,</p> <p>17 that the October 2015 amendment contained certain</p> <p>18 provisions that were positive steps towards resolving</p> <p>19 some of the issues described in this letter, right?</p> <p>20 MR. LIGHTSEY: Object to the form.</p> <p>21 THE WITNESS: I think the fixed</p> <p>22 price portion was an attempt to resolve some of</p> <p>23 these issues.</p> <p>24 BY MR. CHALLY:</p> <p>25 Q. Following the fixed price portion of the EPC</p>	<p style="text-align: right;">212</p> <p>1 PERC letters.</p> <p>2 Q. Did you review the information that was</p> <p>3 contained --</p> <p>4 A. I would think -- I would have think -- I</p> <p>5 would think that I would have read the letter, yes.</p> <p>6 Q. Okay.</p> <p>7 A. But I am not an engineer, so I don't have a</p> <p>8 great understanding of some of this stuff.</p> <p>9 Q. Well, if you look at paragraph two,</p> <p>10 Mr. Jones is informing you that SCE&G advised that,</p> <p>11 due to concerns with the financial stability and</p> <p>12 viability of Westinghouse's parent company, Toshiba,</p> <p>13 they are pursuing design information escrow with</p> <p>14 Westinghouse.</p> <p>15 A. That's what it says, and I do -- I mean, I</p> <p>16 do remember that issue.</p> <p>17 Q. He is also informing you that Fluor and</p> <p>18 Westinghouse were developing a productivity</p> <p>19 improvement plan at this time.</p> <p>20 A. Please tell me where that is.</p> <p>21 Q. Number 1, e.</p> <p>22 A. 1, e.</p> <p>23 Q. E as in echo.</p> <p>24 A. Oh. They have developed a productivity</p> <p>25 improvement plan, is what it says.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">213</p> <p>1 Q. So that's something you were familiar with</p> <p>2 in 2016?</p> <p>3 A. I would have read this letter, so I would</p> <p>4 think I would be familiar with it.</p> <p>5 Q. Was that important to you in 2016?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Why was that important to you in 2016?</p> <p>8 A. Because productivity improvement was very</p> <p>9 important. And this is saying that they have set</p> <p>10 goals, and it gives me an idea that they were</p> <p>11 planning, making plans, SCE&G was making plans, or</p> <p>12 somebody was, to improve the productivity factor</p> <p>13 which I thought would be very favorable, I thought.</p> <p>14 Q. So ORS had some optimism that there would be</p> <p>15 significant improvement when Fluor came onto the</p> <p>16 site; isn't that right?</p> <p>17 MR. LIGHTSEY: Object to the form.</p> <p>18 THE WITNESS: I don't see where</p> <p>19 that word is, but the paragraph says what it says</p> <p>20 it says.</p> <p>21 BY MR. CHALLY:</p> <p>22 Q. Okay. Paragraph four, sir, look at</p> <p>23 paragraph 4.</p> <p>24 A. Paragraph 4?</p> <p>25 Q. "As a general observation, the work activity</p>	<p style="text-align: right;">215</p> <p>1 "everyone." I can't speak for "everyone." But I</p> <p>2 thought Fluor coming on -- Fluor -- I'm going by</p> <p>3 memory, but I think Fluor constructed V.C.</p> <p>4 Summer 1, and so I thought it was a -- I thought</p> <p>5 it was a good step to have Fluor come on the</p> <p>6 premises.</p> <p>7 BY MR. CHALLY:</p> <p>8 Q. Do you know what Mr. Jones reported to you</p> <p>9 in his April site visit?</p> <p>10 A. No, sir. I mean, I probably should know,</p> <p>11 but I don't remember.</p> <p>12 Q. You do know, do you not, that Mr. Jones and</p> <p>13 the ORS staff continued to receive reports on</p> <p>14 productivity at this time?</p> <p>15 A. I think they did.</p> <p>16 Q. And you do know that those productivity</p> <p>17 reports did not reveal significant improvement in</p> <p>18 productivity, right?</p> <p>19 A. I am not specifically aware of that but I</p> <p>20 think that's true.</p> <p>21 Q. And the concerns over productivity were so</p> <p>22 significant that Mr. Jones warned you that there</p> <p>23 is -- if there is to be any chance of meeting project</p> <p>24 completion dates, significant improvement in</p> <p>25 productivity needed to be achieved in April of 2016?</p>
<p style="text-align: right;">214</p> <p>1 level has definitely increased at the site and</p> <p>2 progress is becoming more visible than previously</p> <p>3 witnessed. The attitude of the workers has also</p> <p>4 seemingly improved and was manifested by many</p> <p>5 friendly greetings on our tour where previously this</p> <p>6 was rarely the case. It is hope that this can be</p> <p>7 carried through to improve the work environment and</p> <p>8 increase productivity."</p> <p>9 A. I agree that's what it says. And they liked</p> <p>10 the idea that there was improvement in the friendly</p> <p>11 greetings. That meant a lot to them.</p> <p>12 Q. That meant a lot to Mr. Jones?</p> <p>13 A. I think it must have because somebody</p> <p>14 specifically mentioned it to me, I don't know whether</p> <p>15 it was Mr. Jones, but that's what it says. It says</p> <p>16 what it says.</p> <p>17 Q. And is this something, is this the sum and</p> <p>18 substance what you are familiar with at the time;</p> <p>19 that Fluor coming onto the project was viewed by the</p> <p>20 ORS as a positive development?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And everyone was optimistic that Fluor</p> <p>23 coming onto the project would improve productivity?</p> <p>24 MR. LIGHTSEY: Object to the form.</p> <p>25 THE WITNESS: I don't know about</p>	<p style="text-align: right;">216</p> <p>1 A. I think he did inform me that productivity</p> <p>2 factor needed to be improved.</p> <p>3 Q. Do you recall informing the Commission of</p> <p>4 that fact?</p> <p>5 A. He testified to that fact, I think.</p> <p>6 Q. Do you recall informing the Commission of</p> <p>7 that fact?</p> <p>8 A. Not me personally. I didn't testify.</p> <p>9 Q. You relied on Mr. Jones to convey that to</p> <p>10 the Commission?</p> <p>11 A. He was the witness that testified to that.</p> <p>12 Q. So is it your understanding that the</p> <p>13 Commission was accurately and -- accurately told that</p> <p>14 productivity needed to be improved in order for the</p> <p>15 project completion dates to be met in 2016?</p> <p>16 A. I think it's in his testimony, but his</p> <p>17 testimony is there for the world to see. And I am</p> <p>18 not looking at it, but I think he mentioned -- I</p> <p>19 don't know whether he mentioned productive factors,</p> <p>20 but he needed -- I think he said that they needed to</p> <p>21 be improvements in the production, and he might have</p> <p>22 used the word.</p> <p>23 Q. In May of 2016, the ORS became aware of what</p> <p>24 it characterized as artificial constraints existing</p> <p>25 in Westinghouse's schedule; isn't that right?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

217	<p>1 A. That's what I -- that's what staff wrote,</p> <p>2 yes.</p> <p>3 Q. Okay. Let's --</p> <p>4 MR. LIGHTSEY: You've been a</p> <p>5 little bit going over an hour. Is this a</p> <p>6 convenient time to break?</p> <p>7 MR. CHALLY: Sure.</p> <p>8 MR. LIGHTSEY: Do you want to take</p> <p>9 a break?</p> <p>10 THE WITNESS: Probably should.</p> <p>11 THE VIDEOGRAPHER: This concludes</p> <p>12 media number three in the video deposition of</p> <p>13 Dukes Scott. The time is 15:53. We're now off</p> <p>14 the record.</p> <p>15 (A recess was taken.)</p> <p>16 THE VIDEOGRAPHER: Back on the</p> <p>17 record. This is November 7, 2018. The time is</p> <p>18 16:06. This is the beginning of media number</p> <p>19 four in the video deposition of Dukes Scott.</p> <p>20 (Exhibit No. 15 was marked for</p> <p>21 identification.)</p> <p>22 BY MR. CHALLY:</p> <p>23 Q. Okay. Mr. Scott, I'm handing you what I</p> <p>24 have marked at Exhibit 15 to your deposition.</p> <p>25 A. Yes, sir.</p>
218	<p>1 Q. Have you seen this document before?</p> <p>2 A. I signed it so, yes, sir.</p> <p>3 Q. Okay. This is a letter to Kenny Jackson</p> <p>4 from you, right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And what would have been the process for</p> <p>7 preparing this document?</p> <p>8 A. Staff would have drafted the document and</p> <p>9 put the information in here for me.</p> <p>10 Q. The very first -- why did you send this</p> <p>11 letter as opposed to some member of the staff?</p> <p>12 A. I don't know.</p> <p>13 Q. Did you think it would have more weight if</p> <p>14 you sent it?</p> <p>15 A. Well, I hate to think about that, but, I</p> <p>16 mean, it wasn't a long thought process, I mean, it</p> <p>17 just -- I did it.</p> <p>18 Q. Would you have had discussions with the</p> <p>19 staff in advance about, we want to send a letter to</p> <p>20 SCANA and we're going to get something to you, or</p> <p>21 would it have been, Mr. Scott, here's a letter,</p> <p>22 please review and sign it?</p> <p>23 A. No, sir, I think it would have been me</p> <p>24 asking them for a letter to send to SCE&G.</p> <p>25 Q. And why would you have wanted to send a</p>
219	<p>1 letter to SCE&G?</p> <p>2 A. Again, to keep them informed of what we were</p> <p>3 finding. We were into 2016, we had an amendment to</p> <p>4 get the contract approved, I think, September the</p> <p>5 10th, 2015; October 27th, we had a brand new thing,</p> <p>6 and I thought it was important to us to let them know</p> <p>7 what we were finding since that period of time.</p> <p>8 Q. Did you believe you were finding things</p> <p>9 about which SCE&G was unaware?</p> <p>10 A. I don't know that. They never -- I don't</p> <p>11 know.</p> <p>12 Q. Why were you providing this information to</p> <p>13 SCE&G and not the Commission in these letters?</p> <p>14 A. Well, you're limited on what you can send to</p> <p>15 the Commission under the ex parte rule. So what we</p> <p>16 were trying to do is monitor and do our job, and</p> <p>17 that's what these letters were intended to do.</p> <p>18 Q. And if the information was significant</p> <p>19 enough, you would provide commentary to the</p> <p>20 Commission on it; isn't that right?</p> <p>21 A. Not necessarily. We would try to work</p> <p>22 through it. But we wouldn't -- I mean, I hate to say</p> <p>23 that because it sounds bad, but our job was to</p> <p>24 monitor it and to try to work the thing through.</p> <p>25 Now, in Mr. Jones' testimony in 2016, he</p>
220	<p>1 and -- he would have provided the information he</p> <p>2 thought was significant.</p> <p>3 Q. So you don't think the ORS had any</p> <p>4 obligation to inform the Commission with information</p> <p>5 it learned regarding the status of the project?</p> <p>6 MR. LIGHTSEY: I object to the</p> <p>7 form.</p> <p>8 THE WITNESS: You say "any</p> <p>9 obligation." If I thought we had had an</p> <p>10 obligation to do that, I would have done it. But</p> <p>11 I didn't -- at the time, I didn't. I thought</p> <p>12 that the contested case hearings on the</p> <p>13 modification is where we provided that</p> <p>14 information to the Commission.</p> <p>15 BY MR. CHALLY:</p> <p>16 Q. Well, in 2016, there was a contested case</p> <p>17 ongoing, wasn't there?</p> <p>18 A. I think, yes, sir, there was a contested</p> <p>19 case in 2016.</p> <p>20 Q. And there was in 2015 as well, right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. All right. So to the extent that you</p> <p>23 uncovered significant information in 2015 or 2016,</p> <p>24 you worked through providing that to the Commission,</p> <p>25 right?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

221	<p>1 A. I think -- I think Mr. Jones' testimony</p> <p>2 provided the information in 2016 that he thought was.</p> <p>3 Q. That he thought was significant or that you</p> <p>4 thought was significant?</p> <p>5 A. It wasn't what I thought.</p> <p>6 Q. But you knew in 2016 that the ORS staff had</p> <p>7 met with Westinghouse scheduling staff, right?</p> <p>8 A. That's in that letter and I signed the</p> <p>9 letter.</p> <p>10 Q. And you learned in 2015 -- 2016, excuse</p> <p>11 me -- that there were certain constraints in the</p> <p>12 schedule used by Westinghouse, right?</p> <p>13 A. Please show me where that is. I am not</p> <p>14 doubting you, but I just need to --</p> <p>15 Q. Well, I guess my first question to you,</p> <p>16 Mr. Scott, is whether you are aware, sitting here</p> <p>17 today, that in 2016 the ORS learned that there were</p> <p>18 constraints in Westinghouse's schedule.</p> <p>19 A. Is it in this letter?</p> <p>20 Q. It is, but I'm wondering whether you know</p> <p>21 independent of what this letter says.</p> <p>22 A. I don't -- independent of this letter, I</p> <p>23 don't think I did.</p> <p>24 Q. So in Paragraph 1, the fourth sentence, "We</p> <p>25 learned that the initial schedule presented by WEC in</p>	223	<p>1 project things that stick out in your mind as</p> <p>2 information you were focused on in 2016?</p> <p>3 A. I would think the schedule would be an</p> <p>4 issue, yes, sir.</p> <p>5 Q. Were you focused on that in 2016?</p> <p>6 A. I think ORS was focused on it.</p> <p>7 Q. Were you?</p> <p>8 A. Well, I mean, I'm part of ORS, so --</p> <p>9 Q. But is this an issue you were delegating to</p> <p>10 the staff, did it rise to your level?</p> <p>11 A. The schedule would have been at my so-called</p> <p>12 level, I think.</p> <p>13 MS. FICKLING: Jon, I'm getting</p> <p>14 feedback of hearing issues.</p> <p>15 (Off-the-record discussion.)</p> <p>16 THE VIDEOGRAPHER: Off the record</p> <p>17 at 16:14.</p> <p>18 (Off-the-record discussion.)</p> <p>19 THE VIDEOGRAPHER: Back on the</p> <p>20 record at 16:16.</p> <p>21 (Exhibit No. 16 was marked for</p> <p>22 identification.)</p> <p>23 BY MR. CHALLY:</p> <p>24 Q. I'm handing you what I have marked as</p> <p>25 Exhibit 16. Are you familiar with this document,</p>
222	<p>1 August 2015" --</p> <p>2 A. Yes, sir, I see that. I'm sorry, I</p> <p>3 interrupted you.</p> <p>4 Q. That's fine. Who would have been in this</p> <p>5 meeting with WEC project scheduling staff?</p> <p>6 A. I can't name the people because I don't know</p> <p>7 who was in the meeting. But generally speaking, it</p> <p>8 would have been, in this year, I think Allyn,</p> <p>9 Ms. Powell, probably would be there, Mr. Jones would</p> <p>10 probably be there, maybe Mr. Soult. I don't know</p> <p>11 whether a lawyer would have been there or not.</p> <p>12 Q. The ORS was of the view in 2016 that the</p> <p>13 schedule needed further refinement; isn't that right?</p> <p>14 A. Is that in this letter?</p> <p>15 Q. It is.</p> <p>16 A. I mean, if it's in this letter, then that's</p> <p>17 right.</p> <p>18 Q. Are issues associated with the schedule and</p> <p>19 its reliability in issues associated with</p> <p>20 productivity stuff that sticks out in your mind as</p> <p>21 relevant in 2016?</p> <p>22 MR. LIGHTSEY: Object to the form.</p> <p>23 THE WITNESS: Sir?</p> <p>24 BY MR. CHALLY:</p> <p>25 Q. Are issues related to schedule on the</p>	224	<p>1 Mr. Scott?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Would this document have been prepared in</p> <p>4 the same way that the earlier letters to Byron Hinson</p> <p>5 and Kenny Jackson were prepared?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Which is you indicated you wanted to send a</p> <p>8 letter to the company and then the staff put together</p> <p>9 the text of the letter for you to send?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And the information contained in the letter</p> <p>12 is certainly information that the staff was aware of</p> <p>13 at the time the letter was sent, right?</p> <p>14 A. I would think so.</p> <p>15 Q. And information that you were aware of or</p> <p>16 had access to as of this time, right?</p> <p>17 A. By reading this letter, yes, sir.</p> <p>18 Q. Did you understand that the ORS was in a</p> <p>19 heightened state of concern regarding the</p> <p>20 construction cost overruns and schedule delays for</p> <p>21 V.C. Summer?</p> <p>22 A. Yes, sir.</p> <p>23 Q. What brought you to that heightened state of</p> <p>24 concern?</p> <p>25 A. I mean, the thing that's contained in this</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right; margin-bottom: 0;">225</p> <p>1 letter and the other letters that caused that</p> <p>2 heightened state of concern. And depending -- I</p> <p>3 think by now, the pending -- I knew about the -- it</p> <p>4 might have been already pending. I don't know</p> <p>5 whether the request for modification was June of 2016</p> <p>6 or not, but I did know about the October 27th</p> <p>7 amendment and that these things were going probably</p> <p>8 with things that you mentioned, the schedule,</p> <p>9 productivity factor, but I was aware we were in a</p> <p>10 heightened concern.</p> <p>11 Q. So is the sum and substance of these letters</p> <p>12 the same sort of information you were describing to</p> <p>13 the PERC on a monthly basis?</p> <p>14 A. Yes, sir. Generally speaking. I mean, I</p> <p>15 think you'll probably find -- may find this letter.</p> <p>16 But generally speaking, I was providing it to PERC,</p> <p>17 yes.</p> <p>18 Q. Why did you feel it was important to provide</p> <p>19 that information to PERC?</p> <p>20 A. Because I looked at them as bosses. They</p> <p>21 were my bosses. I was trying to keep them informed</p> <p>22 on what we were doing.</p> <p>23 Q. You were providing the information on a</p> <p>24 monthly basis to PERC but you were not providing the</p> <p>25 information on a monthly basis to the Commission?</p>	<p style="text-align: right; margin-bottom: 0;">227</p> <p>1 isn't that right?</p> <p>2 A. Under certain conditions.</p> <p>3 Q. What do you mean by "under concern</p> <p>4 conditions"?</p> <p>5 A. Well, the fact that they had an agreement</p> <p>6 with Westinghouse, SCE&G had an agreement with</p> <p>7 Westinghouse, to fix, I think it's about 98 percent</p> <p>8 of the EPC contract costs, was not sufficient. So</p> <p>9 under the condition that SCE&G would stand behind the</p> <p>10 fixed price and not come in for a budget increase as</p> <p>11 to those items that were contained in the fixed price</p> <p>12 portion, we believed that the Settlement Agreement,</p> <p>13 along with the other terms was -- I mean, it was a</p> <p>14 path forward that we hopefully could get the thing</p> <p>15 completed and get it completed with -- at the fixed</p> <p>16 price cost.</p> <p>17 Q. Okay. So with all of this knowledge, with</p> <p>18 all of the knowledge the ORS had at this time, the</p> <p>19 ORS was also aware of the fact that SCE&G had</p> <p>20 requested approval of a rise schedule and cost as</p> <p>21 reflected in the October 2015 amendment to the EPC</p> <p>22 agreement, right?</p> <p>23 A. Yes.</p> <p>24 Q. And that included moving the guaranteed</p> <p>25 substantial completion dates for Units 2 and 3; isn't</p>
<p style="text-align: right; margin-bottom: 0;">226</p> <p>1 A. That's correct.</p> <p>2 Q. Why is that?</p> <p>3 A. Because PERC was my bosses, and there is no</p> <p>4 ex parte provision with PERC.</p> <p>5 Q. So those letters were public, though,</p> <p>6 weren't they?</p> <p>7 A. I would think so.</p> <p>8 Q. Letters to the PERC?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay.</p> <p>11 A. Some of them might even be on our website --</p> <p>12 not my website, ORS's website.</p> <p>13 Q. In any event, these issues weren't secrets</p> <p>14 to you; they were known, apparent --</p> <p>15 A. No, sir, I mean, they -- no, sir, they</p> <p>16 weren't secret.</p> <p>17 Q. And then of the information that you thought</p> <p>18 significant, you conveyed to the Commission in the</p> <p>19 contested case proceedings that were in 2016?</p> <p>20 A. I think staff -- I did not prepare the</p> <p>21 testimony or actually review it and read it, but I</p> <p>22 think staff did.</p> <p>23 Q. And many of these concerns that you</p> <p>24 expressed as evidence in this letter were resolved</p> <p>25 with the decision to exercise the fixed price option;</p>	<p style="text-align: right; margin-bottom: 0;">228</p> <p>1 that right?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And it also involved request for approval of</p> <p>4 the fixed price option in the 2015 amendment, right?</p> <p>5 A. Subject to the terms of the Settlement</p> <p>6 Agreement.</p> <p>7 Q. Did you understand at this time that there</p> <p>8 was at least the risk that Westinghouse would not</p> <p>9 carry through on its commitment in the fixed price</p> <p>10 agreement?</p> <p>11 A. I know that -- I think Mr. Jones asked a</p> <p>12 question about that, could they stand that, and I</p> <p>13 think the response was, yes. But, I mean, we didn't</p> <p>14 know the seriousness of the financial issues at this</p> <p>15 time.</p> <p>16 Q. The seriousness of what financial issues?</p> <p>17 A. That Westinghouse was going to go bankrupt</p> <p>18 in March.</p> <p>19 Q. You didn't know Westinghouse was going to go</p> <p>20 bankrupt but you knew of the possibility of</p> <p>21 Westinghouse not carrying through on its commitment?</p> <p>22 A. And that's why we wanted SCE&G to agree that</p> <p>23 they wouldn't come back in for a budget increase,</p> <p>24 because we didn't have -- we had confidence in SCE&G,</p> <p>25 but we didn't have the confidence in Westinghouse.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

229	<p>1 So we got SCE&G to take the risk that -- of what we</p> <p>2 thought took the risk off the customers.</p> <p>3 Q. But you knew that Westinghouse at this time</p> <p>4 was voicing its deep commitment to completing the</p> <p>5 project; isn't that right?</p> <p>6 A. Sir?</p> <p>7 Q. You knew that Westinghouse was voicing its</p> <p>8 deep commitment to complete the project, right?</p> <p>9 A. I don't know how deep the commitment was but</p> <p>10 I think they were committed, seemed to be committed.</p> <p>11 Q. Are you familiar with the fact that</p> <p>12 Mr. Jones conveyed to you that he understood</p> <p>13 Westinghouse had a deep commitment to complete the</p> <p>14 project?</p> <p>15 A. He may have. I don't know.</p> <p>16 Q. That's not inconsistent with your</p> <p>17 understanding of the facts at the time?</p> <p>18 A. Not inconsistent; I just don't remember him</p> <p>19 using those words or saying that, I just don't have</p> <p>20 any memory of it.</p> <p>21 (Exhibit No. 17 was marked for</p> <p>22 identification.)</p> <p>23 Q. This is Exhibit 17. This is an e-mail</p> <p>24 exchange between Jimmy Stewart and Iris Griffin. Do</p> <p>25 you know who Iris Griffin is, don't you?</p>	231	<p>1 A. I probably did, because that was our</p> <p>2 understanding.</p> <p>3 Q. And you thought, notwithstanding these</p> <p>4 risks, that Westinghouse's commitment was sufficient</p> <p>5 to allow for the -- to justify the exercise of the</p> <p>6 fixed price option?</p> <p>7 A. I don't remember telling the financial</p> <p>8 people that.</p> <p>9 Q. But that was your view at the time, right?</p> <p>10 A. It was my view that the Settlement Agreement</p> <p>11 was in the public interest.</p> <p>12 Q. Right. And the exercise to the fixed price</p> <p>13 option was also in the public interest?</p> <p>14 A. If we could make sure that SCE&G would</p> <p>15 so-called back it.</p> <p>16 Q. As you did in the Settlement Agreement.</p> <p>17 A. As we tried to do in the Settlement</p> <p>18 Agreement.</p> <p>19 Q. Right. And that was true, notwithstanding</p> <p>20 the fact that you knew there could be a risk of</p> <p>21 Westinghouse and Toshiba not being able to complete</p> <p>22 the project?</p> <p>23 A. I don't know that I was -- I mean, I guess</p> <p>24 there is always risk that they did, but I don't</p> <p>25 remember that being an issue at this time.</p>
230	<p>1 A. Yes, sir. I don't know who Jimmy Stewart</p> <p>2 is.</p> <p>3 Q. Jimmy Stewart is a Manager of Investor</p> <p>4 Relations, Southern Company.</p> <p>5 Do you recall participating in a conference</p> <p>6 call with certain analysts where you provided your</p> <p>7 ideas as to the status of the V.C. Summer project?</p> <p>8 A. Not so much the status of the V.C. Summer</p> <p>9 project but the process, the regulatory process that</p> <p>10 they went through, yes, sir. And I usually had staff</p> <p>11 members in there.</p> <p>12 Q. Do you recall conveying to analysts around</p> <p>13 this time that there were certain risks due to</p> <p>14 financial issues at Toshiba?</p> <p>15 A. There was a time when they asked me. I</p> <p>16 didn't have a report from them. They'd call and</p> <p>17 they'd want to meet to have a call with the ORS staff</p> <p>18 and I'd get the staff members in there.</p> <p>19 They'd ask me, some of them asked me, I</p> <p>20 think in January of 2017, was it a concern of ours.</p> <p>21 And, of course, that was after, and the answer was</p> <p>22 yes.</p> <p>23 Q. But you told analysts, did you not, that the</p> <p>24 ORS believed Westinghouse and Toshiba's committed to</p> <p>25 completing the project?</p>	232	<p>1 (Exhibit No. 18 was marked for</p> <p>2 identification.)</p> <p>3 Q. Do you recall -- I have handed you what I</p> <p>4 have marked as Exhibit 18, which is an e-mail</p> <p>5 exchange involving you and some others, and it</p> <p>6 attaches a draft letter to Representative Forester.</p> <p>7 Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Who is Representative Forester?</p> <p>10 A. He is a member of the House of</p> <p>11 Representatives, he is on the PERC, and he is our</p> <p>12 Subcommittee Chair.</p> <p>13 Q. All right. And what led to the creation of</p> <p>14 this draft letter, if you recall?</p> <p>15 A. I don't know.</p> <p>16 Q. If you look at the draft letter, it</p> <p>17 indicates that Mr. Forester had raised a question</p> <p>18 regarding SCE&G completing the construction of Unit 2</p> <p>19 and 3 should Westinghouse be unavailable to do so.</p> <p>20 A. Please say that again, and where are you</p> <p>21 talking about?</p> <p>22 Q. Second to last page of the document, the</p> <p>23 very first sentence of the letter.</p> <p>24 A. Yes, sir. "This letter is a follow-up," is</p> <p>25 that what you --</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

233	<p>1 Q. Yes, "This letter is a follow-up on your</p> <p>2 question."</p> <p>3 A. That's what it says, yes.</p> <p>4 Q. Do you recall Mr. Forester questioning you</p> <p>5 regarding SCE&G completing the construction of V.C.</p> <p>6 Summer Units 2 and 3?</p> <p>7 A. I don't recall that, but, you know, the</p> <p>8 letter would indicate that he may have.</p> <p>9 Q. And you indicate, do you not, that the</p> <p>10 question is of concern to ORS as well?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And that concern, ORS was addressed, as you</p> <p>13 say, in this letter by the fact that Westinghouse has</p> <p>14 indicated to SCE&G that Westinghouse is committed to</p> <p>15 finishing the units?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And then you indicate that the ORS had</p> <p>18 specific conversations with Westinghouse, right?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you recall who had those conversations?</p> <p>21 A. Well, there was actually a meeting, and I</p> <p>22 don't -- you're going to ask me the day, I don't</p> <p>23 remember the date, but there was a meeting with a</p> <p>24 representative from Westinghouse, I think it was</p> <p>25 Senior VP and the Manager out there, SCE&G was there,</p>	235	<p>1 describing the V.C. Summer was a lost leader for</p> <p>2 Westinghouse?</p> <p>3 A. I never heard that term.</p> <p>4 Q. Do you recall Westinghouse describing future</p> <p>5 AP 1000 projects Westinghouse was planning in other</p> <p>6 places?</p> <p>7 A. Not specifically plans. They talked</p> <p>8 about -- I think they talked about that this is --</p> <p>9 they needed to finish the ones they had going on</p> <p>10 because this was going to be part of their business</p> <p>11 plan for the future. They were constructing one in</p> <p>12 China at the time.</p> <p>13 Q. This is Exhibit --</p> <p>14 A. This letter is not signed. I'm assuming</p> <p>15 that it was signed and sent.</p> <p>16 Q. Do you recall sending a letter to</p> <p>17 Mr. Forester?</p> <p>18 A. I don't recall this particular letter but I</p> <p>19 sent letters to Mr. Forester. I am not contesting</p> <p>20 it. I'm just noting that it's not signed and I don't</p> <p>21 know -- it looks like it might not have been</p> <p>22 completed, but I don't know that.</p> <p>23 Q. Okay.</p> <p>24 A. Go ahead.</p> <p>25 (Exhibit No.19 was marked for</p>
234	<p>1 Fluor Daniel had a representative there, the Co-ops</p> <p>2 had a representative there, Central probably did, and</p> <p>3 the Energy Users Committee had a lawyer there in</p> <p>4 which they indicated at that meeting that they were</p> <p>5 committed to it.</p> <p>6 And then I think there was probably other</p> <p>7 conversations that I wasn't invoiced with, but I was</p> <p>8 at that meeting, along with, I think, Gary and</p> <p>9 Ms. Powell, Jeff Nelson and General Counsel of the</p> <p>10 Office of Regulatory Staff and the others that I</p> <p>11 named were there.</p> <p>12 Q. Do you recall the purpose for that meeting?</p> <p>13 A. Yes, sir; to inquire about the status of the</p> <p>14 project.</p> <p>15 Q. And were you able to ask whatever questions</p> <p>16 you thought appropriate of Westinghouse?</p> <p>17 A. Well, the guy did leave earlier than we</p> <p>18 thought. But I didn't have any questions. I think</p> <p>19 Mr. Nelson did. Whether he got to ask them all, I</p> <p>20 don't know. And I don't know about Mr. Elliott and I</p> <p>21 don't know about the Co-ops. I don't know.</p> <p>22 Q. And your understanding is that Westinghouse</p> <p>23 expressed a commitment to complete the project?</p> <p>24 A. That's my memory, yes.</p> <p>25 Q. Do you recall anyone from Westinghouse</p>	236	<p>1 identification.)</p> <p>2 Q. I have handed you Exhibit 19 to your</p> <p>3 deposition. This is another letter from you to</p> <p>4 SCANA, and this one's specifically to Byron Hinson.</p> <p>5 A. Yes, sir.</p> <p>6 Q. Would this letter have been prepared similar</p> <p>7 to the process you described for the other letters</p> <p>8 that you sent to SCANA in 2016?</p> <p>9 A. It would be a similar process.</p> <p>10 Q. So you would have informed the ORS staff</p> <p>11 that you wanted to send the letter, the ORS staff</p> <p>12 would have drafted the letter, and you would have</p> <p>13 sent it out; is that right?</p> <p>14 A. Yes, that's generally the case, yes.</p> <p>15 Q. Is there anything in this letter that you</p> <p>16 believe to have been inaccurate?</p> <p>17 A. I don't know. I don't think I would have</p> <p>18 signed it if I had.</p> <p>19 Q. And the substance of this letter would have</p> <p>20 also been conveyed to the PERC at this time, right?</p> <p>21 A. I can't say that for certain because every</p> <p>22 one is not put in there. But I think it would have</p> <p>23 would be something similar. They have got the</p> <p>24 letter, they can compare them. It wouldn't</p> <p>25 necessarily be the same date, it would be around the</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

237	<p>1 same date, but I don't know that.</p> <p>2 Q. Okay.</p> <p>3 A. I did write similar letters to PERC.</p> <p>4 Q. Following this letter, ORS entered into a</p> <p>5 settlement agreement with SCE&G to resolve the issues</p> <p>6 pending in the 2016 docket; isn't that right?</p> <p>7 A. We had a Settlement Agreement with Electric</p> <p>8 Co-op Central, South Carolina Energy Users Committee,</p> <p>9 and Small Business Chamber of Commerce, and SCE&G</p> <p>10 resolving the issues.</p> <p>11 Q. And you thought that settlement and</p> <p>12 resolution was in the best interest of the</p> <p>13 ratepayers?</p> <p>14 A. It was in the public interest.</p> <p>15 Q. And the public interest, considering all the</p> <p>16 information that the ORS had related to the status of</p> <p>17 the project; is that right?</p> <p>18 A. Yes, the public interest was based on</p> <p>19 information we had at the time and the definition of</p> <p>20 public interest at the time.</p> <p>21 Q. What was the definition of public interest</p> <p>22 at the time?</p> <p>23 A. We had the balance statutorily. We had to</p> <p>24 balance the interest of the using consuming public,</p> <p>25 regardless of the class of customers, with the</p>	239	<p>1 Q. Have you ever seen the October 22, 2015</p> <p>2 presentation provided -- excuse me -- providing</p> <p>3 preliminary results of the assessment?</p> <p>4 A. No, sir, not to my knowledge.</p> <p>5 Q. When was the first time you were made aware</p> <p>6 of the February 5, 2016 Bechtel report?</p> <p>7 A. I think it was during the -- I believe this</p> <p>8 is true, I think, or I wouldn't say it if it isn't,</p> <p>9 but I believe my recollection is that it came out</p> <p>10 during the Senate hearings on the abandonment issue.</p> <p>11 Q. Do you have an independent understanding of</p> <p>12 what information conveyed in the Bechtel report the</p> <p>13 ORS believes it didn't otherwise know?</p> <p>14 A. No, sir.</p> <p>15 Q. Did you ever evaluate the Bechtel report or</p> <p>16 any information related to the Bechtel report from</p> <p>17 that perspective?</p> <p>18 A. No, sir.</p> <p>19 Q. So you're just not capable of saying right</p> <p>20 now whether the Bechtel report conveyed information</p> <p>21 that ORS wasn't familiar with previously; is that</p> <p>22 right?</p> <p>23 A. I don't -- I'm not capable, I don't have the</p> <p>24 knowledge because I never read the Bechtel report and</p> <p>25 I have never done an evaluation.</p>
238	<p>1 economic development, job creation and job retention,</p> <p>2 and maintain the financial integrity of the utilities</p> <p>3 so that they can invest in and maintain facilities</p> <p>4 for adequate and reliable service. So it was a</p> <p>5 three-prong-contest.</p> <p>6 Now, subject -- now, that's changed. Now,</p> <p>7 ORS, as I understand it, has changed after I left,</p> <p>8 it's basically the consumer advocate -- not the</p> <p>9 consumer advocate but a consumer advocate, too. But</p> <p>10 they took out financial integrity utility and</p> <p>11 economic development and jobs.</p> <p>12 Q. All right. Do you believe you had</p> <p>13 sufficient information regarding the project to make</p> <p>14 a determination as to whether ORS should agree to the</p> <p>15 settlement, right?</p> <p>16 A. At the time we did it, I did.</p> <p>17 Q. When was the first time you saw the final</p> <p>18 February 5, 2016 Bechtel Project Assessment Report?</p> <p>19 A. I don't think I have ever seen it.</p> <p>20 Q. Have you ever seen a November 9, 2015 draft</p> <p>21 report?</p> <p>22 A. No, sir.</p> <p>23 Q. What about the November 12, 2015 draft</p> <p>24 report?</p> <p>25 A. No, sir.</p>	240	<p>1 MR. CHALLY: Okay. That's all the</p> <p>2 questions I have, Mr. Scott.</p> <p>3 THE WITNESS: Thank you.</p> <p>4 EXAMINATION</p> <p>5 BY MR. LIGHTSEY:</p> <p>6 Q. I've got a few questions I would like to ask</p> <p>7 you, Mr. Scott. Give me just a minute.</p> <p>8 If we could turn back to Exhibit 1, if you</p> <p>9 can find that in your stack there.</p> <p>10 A. Yes, sir.</p> <p>11 Q. And this was a press release about the</p> <p>12 analysis --</p> <p>13 A. Yes, sir.</p> <p>14 Q. -- ORS had Elliott Davis do --</p> <p>15 A. Yes, sir.</p> <p>16 Q. -- is that right?</p> <p>17 Do you recall if this was something that</p> <p>18 Mr. Marsh at SCE&G wanted to happen or was it</p> <p>19 something that he resisted?</p> <p>20 A. He -- he at first resisted, but the -- but</p> <p>21 then he had his staff, I think, fully cooperative</p> <p>22 with ORS. And in fact, in later conversations, he --</p> <p>23 I mean he was very kind, but he resisted it at the</p> <p>24 beginning for some reason.</p> <p>25 Q. But later he cooperated?</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">241</p> <p>1 A. Elliott Davis never complained about the</p> <p>2 lack of cooperation.</p> <p>3 Q. Can you relate to us a conversation that you</p> <p>4 had with Belton Zeigler in 2009 that was on the topic</p> <p>5 of SCE&G filtering information provided to ORS?</p> <p>6 MR. CHALLY: Object to the form.</p> <p>7 BY MR. LIGHTSEY:</p> <p>8 Q. Go ahead.</p> <p>9 A. So I don't know that it was 2009, but there</p> <p>10 was a time that Mr. Zeigler said something to the</p> <p>11 effect that we need to filter the information before</p> <p>12 we give it to you, and I objected to the filtering of</p> <p>13 the information.</p> <p>14 Q. And how did he respond to that?</p> <p>15 A. Mr. Zeigler's always very kind. I don't</p> <p>16 know what his actual response was but he -- I don't</p> <p>17 remember what his actual response was but it was a</p> <p>18 very kind response, as I recall.</p> <p>19 Q. Did you feel you had made it clear to him</p> <p>20 that ORS did not want SCE&G to be filtering the</p> <p>21 information provided to you?</p> <p>22 A. I thought I did.</p> <p>23 Q. And did you feel that there was an agreement</p> <p>24 that SCE&G would not do that?</p> <p>25 A. I don't know whether he agreed or not to it.</p>	<p style="text-align: right;">243</p> <p>1 knowledge, was the ORS ever informed by SCE&G that it</p> <p>2 had scrubbed and whitewashed the initial draft of the</p> <p>3 Bechtel report?</p> <p>4 MR. CHALLY: Object to the form.</p> <p>5 THE WITNESS: I am not familiar</p> <p>6 with that. And I think that draft might have</p> <p>7 been found out after I was gone, so I am not</p> <p>8 familiar with that.</p> <p>9 BY MR. LIGHTSEY:</p> <p>10 Q. You're not familiar with that being told to</p> <p>11 ORS in real-time when Bechtel report was being</p> <p>12 revised?</p> <p>13 MR. CHALLY: Object to the form.</p> <p>14 THE WITNESS: When was that?</p> <p>15 BY MR. LIGHTSEY:</p> <p>16 Q. In late 2015.</p> <p>17 A. Was I told by SCE&G that --</p> <p>18 Q. Are you aware of any knowledge that SCE&G</p> <p>19 informed ORS --</p> <p>20 A. I am not aware.</p> <p>21 Q. -- that it had a draft of the Bechtel report</p> <p>22 and they were scrubbing it and whitewashing it?</p> <p>23 MR. CHALLY: Object to the form.</p> <p>24 THE WITNESS: No, sir.</p> <p>25</p>
<p style="text-align: right;">242</p> <p>1 Q. All right. Do you recall seeing -- I know</p> <p>2 you said that you had not seen the Bechtel report or</p> <p>3 the drafts of the Bechtel report. Do you remember</p> <p>4 seeing the document called the Bechtel Action Plan?</p> <p>5 A. I remember that.</p> <p>6 Q. How did you find out about that?</p> <p>7 A. It came out in the House Panel when the</p> <p>8 House was -- after the Governor ordered Santee Cooper</p> <p>9 to produce the Bechtel report, and then they produced</p> <p>10 it to the House and the House is actually the one</p> <p>11 that brought it out in public.</p> <p>12 Q. And what was your reaction when you saw</p> <p>13 that?</p> <p>14 A. I hate to admit it, but I was so hurt I</p> <p>15 actually cried.</p> <p>16 Q. Why?</p> <p>17 A. Because SCE&G, it just shocked me that SCE&G</p> <p>18 would enter into some kind of agreement deciding how</p> <p>19 much information to give ORS. I have been in this</p> <p>20 business a long time. You're dependent on openness</p> <p>21 and transparency with utilities, and as far as I</p> <p>22 know, I had always had that with SCANA. So I was</p> <p>23 very hurt.</p> <p>24 Q. You were asked a number of questions about</p> <p>25 various people mentioning Bechtel. To your</p>	<p style="text-align: right;">244</p> <p>1 BY MR. LIGHTSEY:</p> <p>2 Q. Is that consistent with your conversation</p> <p>3 with Mr. Zeigler that you did not want them filtering</p> <p>4 the information to you?</p> <p>5 MR. CHALLY: Object to the form.</p> <p>6 THE WITNESS: No, sir, that's not</p> <p>7 consistent.</p> <p>8 BY MR. LIGHTSEY:</p> <p>9 Q. In connection -- or were you aware that in</p> <p>10 late 2014 and early 2015 that SCE&G had conducted an</p> <p>11 internal analysis of the cost and schedule</p> <p>12 projections that were being provided by Westinghouse?</p> <p>13 A. I don't think --</p> <p>14 MR. CHALLY: Object to the form.</p> <p>15 THE WITNESS: -- I am not</p> <p>16 personally aware of it.</p> <p>17 BY MR. LIGHTSEY:</p> <p>18 Q. Were you aware that employees of SCE&G had</p> <p>19 advocated that their numbers, which were not as rosy</p> <p>20 as Westinghouse's, should be provided to ORS and the</p> <p>21 PSC?</p> <p>22 A. No, sir.</p> <p>23 MR. CHALLY: Object to the form.</p> <p>24 BY MR. LIGHTSEY:</p> <p>25 Q. Were you aware that when they raised those</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

245	<p>1 concerns, they were yelled at by SCE&G's attorney</p> <p>2 that the company was going to use the Westinghouse</p> <p>3 numbers?</p> <p>4 MR. CHALLY: Object to the form.</p> <p>5 THE WITNESS: No, sir.</p> <p>6 BY MR. LIGHTSEY:</p> <p>7 Q. Is that -- if those things did happen, is</p> <p>8 that something ORS would have wanted to know about?</p> <p>9 MR. CHALLY: Object to the form.</p> <p>10 THE WITNESS: Yes, sir.</p> <p>11 BY MR. LIGHTSEY:</p> <p>12 Q. And if they did happen and that was not</p> <p>13 imparted to the ORS, would that be consistent with</p> <p>14 your conversation with Mr. Zeigler that you did not</p> <p>15 want any filtering of information?</p> <p>16 MR. CHALLY: Object to the form.</p> <p>17 THE WITNESS: No, sir.</p> <p>18 BY MR. LIGHTSEY:</p> <p>19 Q. Do you recall having a conversation with</p> <p>20 Steve Byrne, I think in 2014, where you said to him,</p> <p>21 it seems like you're being very honest? Do you</p> <p>22 remember that?</p> <p>23 A. I don't remember it being 2014 but I did</p> <p>24 remember that conversation, and I told him it</p> <p>25 appeared to me he was being very honest.</p>	247	<p>1 THE WITNESS: All right.</p> <p>2 MR. LIGHTSEY: Thank you.</p> <p>3 THE VIDEOGRAPHER: Off the record</p> <p>4 at 16:46.</p> <p>5 (A recess was taken.)</p> <p>6 THE VIDEOGRAPHER: Back on the</p> <p>7 record at 16:49.</p> <p>8 EXAMINATION</p> <p>9 BY MR. SMITH:</p> <p>10 Q. Mr. Scott, my name is Rush Smith, and I</p> <p>11 represent Santee Cooper. I have got just a couple of</p> <p>12 questions that are really in the nature of follow-up</p> <p>13 to your testimony.</p> <p>14 You mentioned that Santee Cooper is a state</p> <p>15 agency and it had people there at the site. Did you</p> <p>16 have any communications with Santee Cooper people or</p> <p>17 contact with Santee Cooper people at the site?</p> <p>18 A. Not me personally, no, sir. So I guess I</p> <p>19 don't have first-hand knowledge of it but I think</p> <p>20 that to be true.</p> <p>21 Q. You mentioned a meeting with Mr. Ellerbe and</p> <p>22 Ms. Heigle, a lunch meeting at Villa Tronco?</p> <p>23 A. Yeah, you call it a lunch meeting. I</p> <p>24 thought it was a lunch. I didn't know it was a</p> <p>25 meeting.</p>
246	<p>1 Q. And what did Mr. Byrne say to you?</p> <p>2 A. My memory is, he said, I'm as honest as they</p> <p>3 allow me to be.</p> <p>4 Q. In connection with the 2016 Settlement</p> <p>5 Agreement, was there a provision made in that</p> <p>6 agreement what SCE&G would do if Westinghouse went</p> <p>7 over the fixed portion -- I think you alluded to</p> <p>8 this -- but if Westinghouse went over the fixed</p> <p>9 portion of the -- of the agreement?</p> <p>10 A. Well, SCE&G, if it was within the fixed</p> <p>11 price details, would hold Westinghouse responsible.</p> <p>12 And I think they also got a guarantee from Toshiba</p> <p>13 that -- to go with it.</p> <p>14 But my understanding is, if all else fails,</p> <p>15 that they -- as far as the fixed price portion, they</p> <p>16 would not come back to the Commission and ask for an</p> <p>17 increase in budget as to the fixed price portion of</p> <p>18 the contract.</p> <p>19 Q. And why was that put in the Settlement</p> <p>20 Agreement?</p> <p>21 A. Because it was most important. We</p> <p>22 wouldn't -- I don't think -- I don't see how we could</p> <p>23 have done it without that.</p> <p>24 MR. LIGHTSEY: Okay. You</p> <p>25 mentioned -- those are my questions.</p>	248	<p>1 Q. A lunch.</p> <p>2 A. Right.</p> <p>3 Q. Who else was there besides Mr. Ellerbe and</p> <p>4 Ms. Heigle and you?</p> <p>5 A. That's it.</p> <p>6 Q. That's it.</p> <p>7 You mentioned a conversation with Mr. Couick</p> <p>8 in which Mr. Couick said that Mr. Wolfe told him</p> <p>9 there was a Bechtel report. Do you know, was that a</p> <p>10 telephone or in-person conversation?</p> <p>11 A. I don't know. I don't know, and I sure hope</p> <p>12 my memory is right there because that's -- that's my</p> <p>13 memory.</p> <p>14 Q. I just wanted to know about the time and</p> <p>15 place and who else was present for the --</p> <p>16 (Interruption.)</p> <p>17 Q. So you don't remember the time or place or</p> <p>18 who else was present for that conversation?</p> <p>19 A. No, sir. I don't think anybody else was</p> <p>20 present.</p> <p>21 Q. You mentioned the second time Mr. Couick</p> <p>22 mentioned the Bechtel report in the presence of</p> <p>23 Ms. Powell and others. I believe you said that</p> <p>24 meeting was at the Co-ops; is that right?</p> <p>25 A. Yes, sir, that's my memory.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">253</p> <p>1 Thank you.</p> <p>2 MS. FICKLING: Go off for a second</p> <p>3 to call back in.</p> <p>4 THE VIDEOGRAPHER: Off the record</p> <p>5 at 16:56.</p> <p>6 (Off-the-record discussion.)</p> <p>7 THE VIDEOGRAPHER: Back on the</p> <p>8 record at 16:58.</p> <p>9 EXAMINATION</p> <p>10 BY MS. FICKLING:</p> <p>11 Q. Mr. Scott, my name is Jessica Fickling, and</p> <p>12 I'm with the Strom Law Firm. I represent the</p> <p>13 plaintiff class in this case. I know you're tired so</p> <p>14 I will try to be brief.</p> <p>15 You were asked some questions just a few</p> <p>16 moments ago about a conversation that you had with</p> <p>17 Belton Zeigler in 2009.</p> <p>18 A. I don't remember the year but I do remember</p> <p>19 the conversation.</p> <p>20 Q. Do you think that it was more towards the</p> <p>21 beginning of the project or more towards the end of</p> <p>22 the project?</p> <p>23 A. I think it would have been toward the</p> <p>24 beginning of the project.</p> <p>25 Q. And just explain to me again what the</p>	<p style="text-align: right;">255</p> <p>1 actually saying limiting the information, but she</p> <p>2 may have.</p> <p>3 BY MS. FICKLING:</p> <p>4 Q. Okay. And again, if you don't know, I don't</p> <p>5 want you to assume.</p> <p>6 A. Right, right.</p> <p>7 Q. But it sounds like you did have some</p> <p>8 conversations with her about the requests to SCE&G.</p> <p>9 Can you just recount those for us?</p> <p>10 A. No, ma'am, I don't know them. They never --</p> <p>11 I mean, I don't recall them coming to me and saying</p> <p>12 you need to get involved or anything.</p> <p>13 Q. I want to turn your attention to what was</p> <p>14 marked in your deposition earlier as Exhibit 1.</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And again, that's the letter from January</p> <p>17 the 15th of 2016, the press release where ORS is</p> <p>18 discussing the findings of the independent audit from</p> <p>19 Elliott Davis; is that right?</p> <p>20 A. Yes, yes, ma'am.</p> <p>21 Q. Is it your understanding that the findings</p> <p>22 were based upon the substantial completion dates that</p> <p>23 the company knew at the time or the company had</p> <p>24 provided at the time?</p> <p>25 A. I don't know that.</p>
<p style="text-align: right;">254</p> <p>1 substance of that conversation was.</p> <p>2 A. Well, I don't know how it came up, but there</p> <p>3 was a point that he -- my memory is that he said</p> <p>4 something to the effect that, before we got the</p> <p>5 information, they had to filter it, and that -- I</p> <p>6 found that to be offensive.</p> <p>7 Q. What about that was offensive to you?</p> <p>8 A. Because I didn't want them filtering</p> <p>9 information before we got it.</p> <p>10 Q. Do you remember if he provided an</p> <p>11 explanation about why they would need to filter</p> <p>12 information?</p> <p>13 A. No, sir. No, ma'am. Sorry. I've been</p> <p>14 saying "sir" for so long.</p> <p>15 Q. Allyn Powell was one of the members of that</p> <p>16 ORS team; is that right?</p> <p>17 A. At times. She left for a while and came</p> <p>18 back.</p> <p>19 Q. Do you recall ever having a conversation</p> <p>20 with Ms. Powell where she referenced that SCE&G might</p> <p>21 be trying to limit information that it was providing</p> <p>22 to ORS?</p> <p>23 MR. CHALLY: Object to the form.</p> <p>24 THE WITNESS: I don't know. There</p> <p>25 was some times when -- but I don't recall her</p>	<p style="text-align: right;">256</p> <p>1 Q. At the completion of this project, the</p> <p>2 revised rates did not save the customers any money,</p> <p>3 did they?</p> <p>4 A. Depends what happened at the abandonment</p> <p>5 proceeding.</p> <p>6 Q. Okay. So that's still open?</p> <p>7 A. It could have saved them money, yes, ma'am.</p> <p>8 Depends on what happens at the abandonment</p> <p>9 proceeding, and we don't know the answer to that yet.</p> <p>10 Q. Okay.</p> <p>11 A. And we ain't going to know it because I'm no</p> <p>12 longer there.</p> <p>13 Q. I want to turn your attention to, I believe</p> <p>14 it was marked in your deposition as Exhibit 6.</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. All right. And it's the e-mail from October</p> <p>17 the 22nd of 2015; is that correct?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And it appears to have an attachment, and</p> <p>20 it's the ORS agenda for the October 2015 site visit;</p> <p>21 is that correct?</p> <p>22 A. That's what it says, yes, ma'am.</p> <p>23 Q. Do you recall ever seeing the agenda before?</p> <p>24 A. No, ma'am.</p> <p>25 Q. Did you, from time to time, receive the</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

257	<p>1 agendas from the members of ORS staff?</p> <p>2 A. I don't think so.</p> <p>3 Q. All right. There are a number of people</p> <p>4 referenced on this agenda; is that correct -- Alan</p> <p>5 Torres, Kyle Young, I have April Rice -- at the very</p> <p>6 top.</p> <p>7 A. Yes, ma'am, there's a number of people</p> <p>8 making presentations and the time of the</p> <p>9 presentation.</p> <p>10 Q. Are those individuals all members of SCE&G</p> <p>11 or SCANA?</p> <p>12 MR. CHALLY: Object to the form.</p> <p>13 THE WITNESS: I don't know all of</p> <p>14 them. Alan is, I know he is with them. I know</p> <p>15 Kyle Young's name is familiar. Skip, is that</p> <p>16 Skip Smith? It just says Skip, but that must be</p> <p>17 Skip Smith. I am familiar with him.</p> <p>18 BY MS. FICKLING:</p> <p>19 Q. And who was Alan Torres?</p> <p>20 A. I am not exactly sure his title but I think</p> <p>21 he was sort of like a general manager.</p> <p>22 Q. And you understood that he was a member of</p> <p>23 SCE&G or SCANA staff; is that correct?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. And it says here, it looks like he was going</p>	259	<p>1 A. It sounds consistent but I don't have</p> <p>2 personal knowledge of it.</p> <p>3 Q. Did ORS -- how often were you on the site,</p> <p>4 actually on the site?</p> <p>5 A. I was only on the site at the very</p> <p>6 beginning, and in the Steve Byrne tour, and I think</p> <p>7 the Westinghouse meeting that I spoke of, I think</p> <p>8 that might have been on the site. Those are the</p> <p>9 times that I remember going on there. I think -- I</p> <p>10 don't know whether I went out there and gave a</p> <p>11 presentation one time or not. I know I spoke at the</p> <p>12 beginning thing but I wasn't on site visits.</p> <p>13 Q. Okay. Mr. Scott, we have reviewed a number</p> <p>14 of letters throughout today that have documented</p> <p>15 certain issues that ORS was observing with the</p> <p>16 project; is that correct?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And those issue were things like problems</p> <p>19 with module fabrication; does that sound familiar?</p> <p>20 A. I think that's familiar.</p> <p>21 Q. Does that sound like a problem that was a</p> <p>22 historic issue on the project?</p> <p>23 A. I think, I think -- you know, I don't want</p> <p>24 to do any guessing here.</p> <p>25 Q. Sure.</p>
258	<p>1 to be providing some information about construction;</p> <p>2 is that right?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Do you see anybody on there that you think</p> <p>5 was a Westinghouse employee?</p> <p>6 A. Well, now, I wouldn't -- I know Brad Stokes,</p> <p>7 but he is SCANA. I don't see anybody on here but,</p> <p>8 you know, I don't know them all. I don't know</p> <p>9 Ms. Rosenberg and I don't know who Michelle and</p> <p>10 Margaret and Cindy are, so I wouldn't necessarily</p> <p>11 know that answer.</p> <p>12 Q. Regardless, there is a number of different</p> <p>13 items on this agenda, they include construction of</p> <p>14 commercial licensing, training, quality assurance; is</p> <p>15 that right?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And were those topics that ORS would</p> <p>18 commonly ask SCE&G about with regard to this project?</p> <p>19 A. This was at the, you know, staff level, so I</p> <p>20 don't have personal knowledge of the agenda. But it</p> <p>21 sounds consistent, but I don't have personal</p> <p>22 knowledge of it.</p> <p>23 Q. But it sounds consistent that ORS would be</p> <p>24 asking SCE&G about those various topics regarding</p> <p>25 this project?</p>	260	<p>1 A. But I have heard that over a period of time.</p> <p>2 Q. Do you remember who you heard that from?</p> <p>3 A. Oh, not necessarily. It would have been</p> <p>4 staff.</p> <p>5 Q. And do you remember over how long a period</p> <p>6 of time you would have heard that that was an issue?</p> <p>7 A. No, ma'am.</p> <p>8 Q. What about licensing, did you have any --</p> <p>9 did you ever hear anything about issues with</p> <p>10 licensing on the project; does that sound familiar?</p> <p>11 A. They had to go get LARs, License Amendment</p> <p>12 Requests.</p> <p>13 Q. And was that atypical for a project like</p> <p>14 this?</p> <p>15 A. I have never known a project like this so I</p> <p>16 don't know what typical and what's atypical.</p> <p>17 Q. Sure.</p> <p>18 A. They were actually operating under a</p> <p>19 different rule than -- with the NRC than V.C.</p> <p>20 Summer 1 was built under. So V.C. Summer 1 was built</p> <p>21 under a different NRC process than this one.</p> <p>22 Q. And this one was called the COL, correct?</p> <p>23 A. It was what?</p> <p>24 Q. The COL, C-O-L; is that right?</p> <p>25 A. C-O-L, oh, yes, Combined Operating License,</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

261	<p>1 Construction Operating License.</p> <p>2 Q. And that was different than V.C Summer 1?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. I believe that we talked a bit about some</p> <p>5 correspondence that you had with SCE&G throughout the</p> <p>6 project. How did you communicate with members of</p> <p>7 SCE&G?</p> <p>8 A. It wasn't all -- most of it was telephone</p> <p>9 calls, you know, and most of the communication was</p> <p>10 with the staff and -- but you saw some letters that I</p> <p>11 wrote in 2016 and -- but it would be telephone calls</p> <p>12 or meeting with them.</p> <p>13 Q. So you exchanged telephone calls; is that</p> <p>14 correct?</p> <p>15 A. I think so, yes, ma'am, we did exchange</p> <p>16 telephone calls.</p> <p>17 Q. You exchanged letters?</p> <p>18 A. The letters that I furnished you -- not</p> <p>19 furnished you but it was on our website were the</p> <p>20 letters. And then I wrote a letter to Mr. Marsh on</p> <p>21 December the 29th about the financial issues, and I</p> <p>22 wrote a letter asking to be in attendance to that</p> <p>23 meeting, and I wrote a letter in 2017 listing some</p> <p>24 items the staff said that they would like to have.</p> <p>25 It wasn't a -- it wasn't a daily exchange of letters</p>	263	<p>1 Q. Or Ken Jackson maybe?</p> <p>2 A. Or Ken Jackson.</p> <p>3 Q. Now, you were asked a number of questions</p> <p>4 earlier about Freedom Of Information Requests; is</p> <p>5 that correct?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. You mentioned some confidentiality terms; is</p> <p>8 that right?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Were those requested by SCE&G?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And do you remember around what time SCE&G</p> <p>13 would have requested that certain information be made</p> <p>14 confidential?</p> <p>15 A. I would think from the beginning.</p> <p>16 Q. From the beginning?</p> <p>17 A. I would think.</p> <p>18 Q. You don't recall a specific time frame?</p> <p>19 A. No, ma'am. See, all that was done at the</p> <p>20 lawyer level with the confidentiality stuff.</p> <p>21 Q. All right. And I think that you said that</p> <p>22 you exchanged certain letters that you don't have</p> <p>23 because they were subject to that confidentiality; is</p> <p>24 that correct?</p> <p>25 A. I don't think I got any letters that was --</p>
262	<p>1 by any means.</p> <p>2 Q. Did you ever communicate with anyone from</p> <p>3 SCE&G or scan via e-mail?</p> <p>4 A. Oh, I'm sure I did, yes, ma'am.</p> <p>5 Q. Do you know who that would have been?</p> <p>6 A. Generally, that would have been Ken Jackson</p> <p>7 or Byron.</p> <p>8 Q. What about through text messages?</p> <p>9 A. Could, yes, ma'am, probably did.</p> <p>10 Q. And who would you have texted from SCE&G or</p> <p>11 SCANA?</p> <p>12 A. Probably the same, maybe Jimmy Addison.</p> <p>13 Q. And you mentioned Byron Hinson. Who was</p> <p>14 Byron Hinson?</p> <p>15 A. He was head of regulatory rate and</p> <p>16 regulatory affairs or something like that. He was</p> <p>17 the director level.</p> <p>18 Q. Do you recall the majority of your</p> <p>19 correspondence being with Mr. Hinson?</p> <p>20 A. Well, he came in -- I don't remember when he</p> <p>21 came in. But I would think any correspondence would</p> <p>22 be with Mr. Hinson, mostly with Mr. Hinson.</p> <p>23 Q. Would that include the text messages we just</p> <p>24 talked about?</p> <p>25 A. Right or -- probably.</p>	264	<p>1 I didn't retain any, but I got them back when I</p> <p>2 needed them so they are -- the ones that you're</p> <p>3 talking about is on the website.</p> <p>4 Q. But to the extent that you didn't need them</p> <p>5 back, those letters that were subject to</p> <p>6 confidentiality should be in the possession of SCE&G;</p> <p>7 is that right?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. With who; do you remember anybody in</p> <p>10 particular?</p> <p>11 A. Well, the letters that we're talking about,</p> <p>12 and it's public information now, is to Byron or Kenny</p> <p>13 Jackson. And it was -- and I think it was primarily</p> <p>14 in the 2016 time frame.</p> <p>15 Q. Anything before that time though that you</p> <p>16 exchanged with them that you didn't need back would</p> <p>17 be still in the possession of SCE&G, is your</p> <p>18 understanding?</p> <p>19 A. If that's such a thing, it should be.</p> <p>20 Q. Mr. Scott, you have been either with the</p> <p>21 Public Service Commission or with the ORS for well</p> <p>22 over three decades, correct?</p> <p>23 A. Decades, yes, ma'am. There was --</p> <p>24 basically, I went in January of '81 and I left in --</p> <p>25 finally left in January of 2016. But there was a</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">265</p> <p>1 period of about a year and a half where I went into 2 practice with Mitch Willoughby, and that was in '85 3 to summer of '86. And then -- then there was -- and 4 then I went back to the Commission and then -- but I 5 left for almost five years, or a little over five 6 years, to go be Administrative Law Judge and then 7 went back when the ORS was formed.</p> <p>8 Q. Sure.</p> <p>9 A. But a lot of time, yes, ma'am.</p> <p>10 Q. And again, so you have got a lot of 11 experience in this area. Is it your understanding 12 that SCE&G had a responsibility to its customers 13 regarding this project?</p> <p>14 MR. CHALLY: Object to the form.</p> <p>15 THE WITNESS: Oh, yes, ma'am.</p> <p>16 BY MS. FICKLING:</p> <p>17 Q. What responsibility do you think SCE&G had 18 to its customers regarding this project?</p> <p>19 MR. CHALLY: Object to the form.</p> <p>20 THE WITNESS: I mean, that they 21 would have the responsibility of -- to try to 22 hold down cost, but get the project built and at 23 a reasonable cost, I think.</p> <p>24 BY MS. FICKLING:</p> <p>25 Q. Do you recall whether ORS believed that</p>	<p style="text-align: right;">267</p> <p>1 responsibility.</p> <p>2 Q. And was it ORS's understanding throughout 3 the pendency of this project that the owner was 4 responsible for it?</p> <p>5 A. Well, we would think the owner was 6 responsible for it but we also thought that the -- we 7 had to show by preponderance of the evidence of 8 imprudence on the part of the owner and not on the 9 part of the contractor. So that's why I proposed to 10 legislation to make that -- to change that.</p> <p>11 Q. And that brings up an interesting point.</p> <p>12 A. I'm sure.</p> <p>13 Q. Did the BLRA shift who the burden was on?</p> <p>14 MR. CHALLY: Object to the form.</p> <p>15 THE WITNESS: I think it did.</p> <p>16 BY MS. FICKLING:</p> <p>17 Q. What do you think, Mr. Scott?</p> <p>18 A. Well, I think that once they got the 19 prudence determination, that the burden of proof -- 20 the burden of proof was on them to get the original 21 Base Load Review Order. Now, what I think and \$3 22 will get you a cup of coffee today -- I think it will 23 get you a cup of coffee today. But I think that once 24 they got that prudence determination, that if someone 25 wanted to contest it, it would be up to them to show</p>
<p style="text-align: right;">266</p> <p>1 SCE&G was taking a hands-on approach with regard to 2 its management of the project?</p> <p>3 A. And this is just hearsay and pure hearsay, 4 nobody told me that, but it did appear, I think, to 5 some of the staff at times that -- hands-off is not 6 the right term, but they were kind of standing back.</p> <p>7 Q. I think I recall you testifying earlier that 8 SCANA had -- ORS thought that the responsibility was 9 on SCANA and SCANA thought the responsibility was on 10 Westinghouse; is that right?</p> <p>11 A. Did I testify to that? I mean, it doesn't 12 sound wrong, but I can't speak for what's SCANA 13 thought or what Westinghouse thought.</p> <p>14 Q. What did ORS think?</p> <p>15 A. About?</p> <p>16 Q. About SCANA pushing off responsibility.</p> <p>17 A. We didn't like it. And when -- when the -- 18 I don't want to extend the process, but that was one 19 of the proposed changes that I made to the Base Load 20 Review Act in 2017 that I think Mr. Finley's 21 amendment that didn't get out of committee but that 22 was one of the things that I suggested. And, of 23 course, we don't file legislation, but suggested that 24 they make it plain that the owner remains 25 responsibile, regardless, and can't delegate that</p>	<p style="text-align: right;">268</p> <p>1 the imprudence. I think it did. I don't think 2 everybody agrees with that, but I think it did.</p> <p>3 Q. Is it your understanding that SCE&G was -- 4 or SCANA was responsible for enforcing the terms of 5 the EPC contract?</p> <p>6 A. I would think so.</p> <p>7 Q. And do you have an opinion as to what the 8 keys of the contract were to accomplish its 9 enforcement?</p> <p>10 MR. CHALLY: Object to the form.</p> <p>11 THE WITNESS: No, ma'am.</p> <p>12 BY MS. FICKLING:</p> <p>13 Q. Do you have any opinion about the liquidated 14 damages provision in the EPC contract?</p> <p>15 A. No, ma'am. I think they increased it, 16 though, in one of the amendments, but --</p> <p>17 Q. Are you aware of whether SCE&G and/or SCANA 18 ever gave up any rights to liquidated damages under 19 the contract?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Tell us about that.</p> <p>22 A. Well, my memory now is that in the 23 October 27th amendment, they gave up -- I think gave 24 up a claim to liquidated damages up to that point. 25 Now, they got additional -- I think they increased</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

269	<p>1 the next liquidated damages, but I do believe that to</p> <p>2 be a true statement.</p> <p>3 Q. Do you know whether the liquidated damages</p> <p>4 were supposed to be on behalf of the customers?</p> <p>5 A. Oh, I don't -- it would have been -- if</p> <p>6 they'd still let me be executive, I would -- it would</p> <p>7 be my position.</p> <p>8 Q. Did SCE&G ever make any representations that</p> <p>9 those damages would accrue to the -- on the behalf of</p> <p>10 the customers?</p> <p>11 A. I don't think so.</p> <p>12 Q. What about the contract termination</p> <p>13 provisions, are you aware of the circumstances where</p> <p>14 SCE&G could terminate for cause?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Other than sending letters to Westinghouse,</p> <p>17 the contractor on the project, are you aware of any</p> <p>18 other measures that SCE&G took to enforce the terms</p> <p>19 of the EPC contract?</p> <p>20 A. I'm not aware of any but we weren't in their</p> <p>21 meetings.</p> <p>22 Q. And I think you have testified earlier that</p> <p>23 at some point you asked to be included in a meeting</p> <p>24 in 2017 and you were denied access?</p> <p>25 A. Right.</p>	271	<p>1 A. Yes, ma'am.</p> <p>2 Q. And again, this is ORS/NND Request GCJ-3,</p> <p>3 it's from May the 22nd, 2015; is that correct?</p> <p>4 A. Please say that again. I'm so sorry.</p> <p>5 Q. It's okay. I talk fast.</p> <p>6 The top of the document, ORS/NND Request</p> <p>7 GCJ-3.</p> <p>8 A. Right.</p> <p>9 Q. And the date of the document is May the 22nd</p> <p>10 of 2015; is that right?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Under "Request Description."</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Now, this is a request talking about the</p> <p>15 proposed productivity factor that Westinghouse has</p> <p>16 used, 1.15; is that right?</p> <p>17 A. State the -- tell me again what you're</p> <p>18 asking me "is that right."</p> <p>19 Q. I just want to make sure that you and I are</p> <p>20 on the same page; that the request is asking for</p> <p>21 information about the proposed Westinghouse</p> <p>22 productivity factor of 1.15.</p> <p>23 A. How SCE&G can accept a productivity factor,</p> <p>24 is that what you're talking about?</p> <p>25 Q. That's right.</p>
270	<p>1 Q. I think you were -- you were really clear</p> <p>2 about this earlier and I just want to make absolutely</p> <p>3 sure. At the time that you were the Director of ORS,</p> <p>4 you had responsibilities to three different missions;</p> <p>5 is that right?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. So you weren't necessarily working solely on</p> <p>8 behalf of the customers of South Carolina?</p> <p>9 A. I mean, there was a three-prong balancing</p> <p>10 to -- so, I mean, I guess the answer is no, ma'am.</p> <p>11 The General Assembly has caught that now and it's</p> <p>12 changed that going forward. But I think -- I think</p> <p>13 the answer is that you had all these other interests,</p> <p>14 too, so not solely on the behalf of the customer.</p> <p>15 Q. Okay.</p> <p>16 A. But that wasn't -- that wasn't a charge, I</p> <p>17 mean, that wasn't what the law provided us to do.</p> <p>18 Q. I want to turn your attention to what was</p> <p>19 marked as Exhibit 8 to your deposition.</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. And down at the bottom where it states</p> <p>22 "Request Description," do you see that?</p> <p>23 A. Ma'am?</p> <p>24 Q. Down at the bottom where it states "Request</p> <p>25 Description" on the first page.</p>	272	<p>1 A. Yeah, that's what it says, yes.</p> <p>2 Q. And specifically, this request is saying</p> <p>3 "The point of the question is to explain how SCE&G</p> <p>4 can accept a productivity factor as the basis of the</p> <p>5 EAC that reflects a significantly higher level of</p> <p>6 productivity that has yet to be realized during the</p> <p>7 previous several months of high levels of</p> <p>8 construction activity;" is that correct?</p> <p>9 A. That's what it says.</p> <p>10 Q. And then in response -- this is on the next</p> <p>11 page. Do you see where it says, "SCE&G has had frank</p> <p>12 discussions with the consortium about achieving the</p> <p>13 improved productivity factor"?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Does that paragraph, other than saying SCE&G</p> <p>16 has had frank discussions, does that paragraph</p> <p>17 include any other conduct that SCE&G undertook to</p> <p>18 explain how it got to the 1.15 PF?</p> <p>19 A. Can you tell me without me having to read</p> <p>20 it? You're asking me did they do anything other than</p> <p>21 having frank discussions enforcing it?</p> <p>22 Q. That's right, sir.</p> <p>23 A. That's all I can read.</p> <p>24 Q. That's all it says?</p> <p>25 A. That's all it says to me.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

<p style="text-align: right;">273</p> <p>1 Q. Okay. Earlier, you were asked a number of</p> <p>2 questions about whether ORS had statutory</p> <p>3 responsibilities to customers to monitor and audit</p> <p>4 the project; is that correct?</p> <p>5 A. To the public interest which included</p> <p>6 customers.</p> <p>7 Q. Sure. Is it your understanding that SCE&G</p> <p>8 also had a statutory responsibility by choosing to</p> <p>9 construct this project under the Base Load Review</p> <p>10 Act?</p> <p>11 A. Oh, absolutely.</p> <p>12 Q. What's that responsibility?</p> <p>13 A. They had that responsibility to, I think, to</p> <p>14 monitor it, to complete it, you know, to work toward</p> <p>15 completion, to make decisions in the interest of the</p> <p>16 customers as well as the public interest.</p> <p>17 Q. Did ORS think that SCE&G was in charge of</p> <p>18 those things?</p> <p>19 A. I don't -- we believed that -- I think we</p> <p>20 believed that SCE&G was in charge of those things. I</p> <p>21 mean, that's who, you know, we would look to</p> <p>22 responsibility for.</p> <p>23 Q. Well, you couldn't look to Westinghouse,</p> <p>24 could you?</p> <p>25 A. No, ma'am. We had no jurisdiction over</p>	<p style="text-align: right;">275</p> <p>1 Q. Did SCE&G have the authority to select the</p> <p>2 contractor?</p> <p>3 A. Yes, ma'am. I mean, I think it -- you know,</p> <p>4 I don't know that the Commission actually approved</p> <p>5 the contractor but they had the initial authority to</p> <p>6 select the contractor, and Commission/ORS had the</p> <p>7 authority to select it. I don't know whether the</p> <p>8 Commission could have rejected it or not.</p> <p>9 Q. Now, ORS also couldn't require SCE&G to</p> <p>10 elect -- to take liquidated damages, could it,</p> <p>11 couldn't make them do it?</p> <p>12 A. I don't think we could make them do that.</p> <p>13 Q. And you couldn't require SCE&G to withhold</p> <p>14 bonuses from the contractors, could you?</p> <p>15 A. We couldn't say that you can't -- that you</p> <p>16 can't give bonuses. Now, we could have input on who</p> <p>17 pays those bonuses at the appropriate time.</p> <p>18 Q. But those were both things that were within</p> <p>19 the control of SCE&G; were they not?</p> <p>20 A. Oh, yes, ma'am.</p> <p>21 Q. Do you agree that on a construction project</p> <p>22 to build a nuclear power plant that schedule and the</p> <p>23 budget go hand-in-hand?</p> <p>24 MR. CHALLY: Object to the form.</p> <p>25 THE WITNESS: Hand-in-hand? The</p>
<p style="text-align: right;">274</p> <p>1 Westinghouse.</p> <p>2 Q. But you did have jurisdiction over SCE&G; is</p> <p>3 that right?</p> <p>4 A. Yes, ma'am. We didn't have jurisdiction. I</p> <p>5 think the Commission had jurisdiction by -- there is</p> <p>6 a question whether we have jurisdiction, you know.</p> <p>7 Q. Sure. Let me ask you: ORS doesn't have the</p> <p>8 authority to construct a nuclear power plant, does</p> <p>9 it?</p> <p>10 A. No, ma'am.</p> <p>11 Q. ORS doesn't have the authority to mitigation</p> <p>12 damages on a construction project, does it?</p> <p>13 A. No, ma'am.</p> <p>14 Q. ORS doesn't have the authority to select the</p> <p>15 project contractor?</p> <p>16 A. No, ma'am.</p> <p>17 Q. ORS wasn't involved in the negotiations for</p> <p>18 the EPC contract or its amendments, was it?</p> <p>19 A. No, ma'am.</p> <p>20 Q. ORS wasn't in charge of the election to the</p> <p>21 fixed price option, was it?</p> <p>22 A. No, ma'am. When we saw that, it was already</p> <p>23 a contract. When I saw it, it was already a</p> <p>24 contract.</p> <p>25</p>	<p style="text-align: right;">276</p> <p>1 schedule impacts the budget. I think that's a</p> <p>2 true statement.</p> <p>3 BY MS. FICKLING:</p> <p>4 Q. Can you know the full budget without</p> <p>5 understanding the full schedule?</p> <p>6 MR. CHALLY: Object to the form.</p> <p>7 THE WITNESS: I don't know the</p> <p>8 answer to that.</p> <p>9 BY MS. FICKLING:</p> <p>10 Q. Okay. Do you know whether at the time of</p> <p>11 the abandonment ORS was in possession of a full</p> <p>12 project schedule?</p> <p>13 MR. CHALLY: Object to the form.</p> <p>14 THE WITNESS: I don't think -- I</p> <p>15 don't think we were in possession of a fully</p> <p>16 resource loaded project schedule. There is all</p> <p>17 kinds of schedules and -- but I think you're</p> <p>18 referring to a fully resource loaded project</p> <p>19 schedule. I don't think we were in possession of</p> <p>20 it.</p> <p>21 BY MS. FICKLING:</p> <p>22 Q. Okay. Do you know -- would you agree with</p> <p>23 me that there is a difference between the critical</p> <p>24 path and milestones?</p> <p>25 A. I don't know the difference.</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

277	<p>1 Q. Okay. So --</p> <p>2 A. I'm not saying it isn't, but --</p> <p>3 Q. That's fine. The documents that ORS was</p> <p>4 provided that it was allowed to analyze with regard</p> <p>5 to this project, who provided those documents to ORS?</p> <p>6 A. Who provided what documents?</p> <p>7 Q. Any documents that ORS reviewed and analyzed</p> <p>8 in this project, who provided those documents to ORS?</p> <p>9 A. I don't know.</p> <p>10 Q. Was it SCE&G?</p> <p>11 A. Oh, it would have been SCE&G or SCANA</p> <p>12 Services that provided the documents under this, so I</p> <p>13 would think.</p> <p>14 Q. So every document that ORS was in possession</p> <p>15 of was because SCE&G has given them the documents?</p> <p>16 MR. CHALLY: Object to the form.</p> <p>17 THE WITNESS: I don't know every</p> <p>18 document was that situation or not.</p> <p>19 BY MS. FICKLING:</p> <p>20 Q. Did ORS eventually conclude that the project</p> <p>21 was subject to substantial delay?</p> <p>22 A. I don't know ultimately. Now, Mr. Jones</p> <p>23 testified in 2016 that, although it would take</p> <p>24 improved productivity -- and you have got his</p> <p>25 testimony, I'm just going back over it -- but he</p>	279	<p>1 ORS?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Do you know who did?</p> <p>4 A. Ms. Edwards would have had the conversation.</p> <p>5 Q. Are y'all in possession of an exit interview</p> <p>6 that you were aware of at the time?</p> <p>7 A. Ma'am?</p> <p>8 Q. Was the ORS in possession of some kind of</p> <p>9 exit interview from Allyn Powell?</p> <p>10 A. I don't know.</p> <p>11 Q. All right.</p> <p>12 A. At the time she left, August 23rd had come</p> <p>13 and gone. I mean, I was -- I was not doing good.</p> <p>14 Q. Were you aware that Ms. Powell had lost</p> <p>15 faith in SCE&G by that point in time?</p> <p>16 MR. CHALLY: Object to the form.</p> <p>17 THE WITNESS: At that point in</p> <p>18 time, I was not aware of that but I understand</p> <p>19 that is the case.</p> <p>20 BY MS. FICKLING:</p> <p>21 Q. When did you --</p> <p>22 A. And I don't know whether I wasn't aware of</p> <p>23 that or not, you know, I don't -- but anyway, go</p> <p>24 ahead.</p> <p>25 Q. Well, when did you become aware of it?</p>
278	<p>1 thought they could -- you had an 18-month thing, and</p> <p>2 I think he testified that it would take increased</p> <p>3 production but that they could come within the 18</p> <p>4 months.</p> <p>5 Q. And ORS was aware that the productivity</p> <p>6 factor on the project had been historically poor?</p> <p>7 A. I don't know whether we characterized it as</p> <p>8 "poor" but we knew what the historical productivity</p> <p>9 factors was.</p> <p>10 Q. Is it fair to say that delay in the project</p> <p>11 had caused a 2012 petition for a schedule and cost</p> <p>12 increase?</p> <p>13 A. Ma'am?</p> <p>14 Q. Is it fair to say that delay in the</p> <p>15 projected had resulted in a 2012 petition for a cost</p> <p>16 and schedule increase?</p> <p>17 A. I don't know what -- I thought that was the</p> <p>18 owner's cost, and I don't know whether that was -- I</p> <p>19 don't know.</p> <p>20 Q. You don't know the basis for that particular</p> <p>21 petition?</p> <p>22 A. No, I thought it was owner's cost, but I --</p> <p>23 I mean, I could be wrong.</p> <p>24 Q. Okay. Were you -- did you have</p> <p>25 conversations with Allyn Powell when she exited the</p>	280	<p>1 A. Well, I became aware of it, I think, and I</p> <p>2 think we all kind of had lost -- you know, after the</p> <p>3 revelation of the action plan that was referred to</p> <p>4 earlier, I mean, I think we all lost a little faith</p> <p>5 in SCANA and SCE&G once we saw that action plan. But</p> <p>6 that was -- I was made aware of what she stated in</p> <p>7 her deposition recently.</p> <p>8 Q. When you became aware of it, did that take</p> <p>9 you back to the conversation you had with Belton</p> <p>10 Zeigler at the beginning of the project where he said</p> <p>11 that he needed to sort of narrow the information?</p> <p>12 A. It didn't take me back to that but, I mean,</p> <p>13 there is a point there, I think, I guess, but I</p> <p>14 didn't relate the two.</p> <p>15 Q. Was it fair to expect you, as the Director</p> <p>16 of ORS, to be more knowledgeable than SCE&G about the</p> <p>17 third-party assessment that SCE&G had commissioned?</p> <p>18 MR. LIGHTSEY: Object to the form.</p> <p>19 THE WITNESS: I would hope not.</p> <p>20 BY MS. FICKLING:</p> <p>21 Q. Is it fair to say that only SCE&G had</p> <p>22 control over who received that assessment?</p> <p>23 MR. CHALLY: Object to the form.</p> <p>24 THE WITNESS: Well, until the</p> <p>25 Governor came in and demanded it, they had</p>

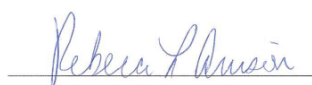
DEPOSITION OF DUKES SCOTT

November 7, 2018

281	<p>1 control over it, yeah.</p> <p>2 BY MS. FICKLING:</p> <p>3 Q. I think that you mentioned earlier that -- I</p> <p>4 think you had said that there was a Power Point</p> <p>5 presentation of the action plan; is that correct?</p> <p>6 A. I didn't say that as a matter of fact. I</p> <p>7 said that was my understanding of what Ms. Powell</p> <p>8 said that there was a -- that she was told there was</p> <p>9 a Power Point presentation, but that the people out</p> <p>10 at the site didn't, I don't think, had it.</p> <p>11 Q. Did you -- and I just want to clarify your</p> <p>12 testimony. Did you testify that that Power Point</p> <p>13 presentation had been shown to the directors?</p> <p>14 A. I thought that they said that it was shown</p> <p>15 to the Board of Directors, but that's just some</p> <p>16 conversation somewhere sometime on the line. Nobody</p> <p>17 from SCANA, I don't think, told me that. I think</p> <p>18 somebody out there might have told staff that and</p> <p>19 told me that.</p> <p>20 Q. That some members of SCANA had been made</p> <p>21 aware they had seen the Power Point presentation?</p> <p>22 A. That's what I was told by staff that their</p> <p>23 understanding was that the Power Point presentation</p> <p>24 was made to the board.</p> <p>25 Q. You know, again, we have gone over a number</p>	283	<p>1 any further questions for you but I assume that</p> <p>2 there might be some clean-up.</p> <p>3 THE WITNESS: Okay. Thank you. I</p> <p>4 don't think so.</p> <p>5 EXAMINATION</p> <p>6 BY MR. CHALLY:</p> <p>7 Q. I have one follow-up for you, Mr. Scott.</p> <p>8 A. Yes, sir.</p> <p>9 Q. In response to questions from Mr. Lightsey,</p> <p>10 you recounted a conversation that you recall having</p> <p>11 with Belton Zeigler; is that right, in the 2009 time</p> <p>12 frame?</p> <p>13 A. I don't remember the exact time frame but</p> <p>14 2009 sounds right; and that's true, yes, sir.</p> <p>15 Q. And it was your -- was it your understanding</p> <p>16 in that discussion that SCE&G was conceding to your</p> <p>17 position that information not be filtered when</p> <p>18 provided to the ORS?</p> <p>19 A. I don't think they agreed or disagreed. I</p> <p>20 don't recall. Mr. Zeigler was very kind about it, I</p> <p>21 mean, he wasn't --</p> <p>22 Q. You had a close working relationship with</p> <p>23 Mr. Zeigler for years following that, right?</p> <p>24 A. I thought I did, yes, sir.</p> <p>25 Q. Prior to abandonment, are you aware of any</p>
282	<p>1 of correspondence that you had sent in the 2015, 2016</p> <p>2 time frame. I think it was your testimony that you</p> <p>3 don't necessarily have personal knowledge of all the</p> <p>4 information in those letters; is that right?</p> <p>5 A. That's correct.</p> <p>6 THE WITNESS: Ma'am, could we take</p> <p>7 a break or --</p> <p>8 MS. FICKLING: Oh, no, absolutely.</p> <p>9 I was winding down, so this is a good time for a</p> <p>10 break.</p> <p>11 THE WITNESS: If you're winding</p> <p>12 down, let's go.</p> <p>13 MS. FICKLING: No, this is a good</p> <p>14 time for a break, it is.</p> <p>15 THE WITNESS: Okay.</p> <p>16 THE VIDEOGRAPHER: Off the record</p> <p>17 at 17:30.</p> <p>18 (A recess was taken.)</p> <p>19 THE VIDEOGRAPHER: Back on the</p> <p>20 regard 17:37.</p> <p>21 BY MS. FICKLING:</p> <p>22 Q. Mr. Scott, have you understood all the</p> <p>23 questions I have asked you?</p> <p>24 A. I think so.</p> <p>25 MS. FICKLING: Okay. I don't have</p>	284	<p>1 specific instance where information was filtered by</p> <p>2 SCE&G before it went to the ORS?</p> <p>3 A. I'm not, but I don't -- other than what's</p> <p>4 been brought up here.</p> <p>5 Q. And the only thing that you know to be</p> <p>6 brought up here that you're referring to is</p> <p>7 information related to Bechtel; is that right?</p> <p>8 MR. LIGHTSEY: Object to the form.</p> <p>9 THE WITNESS: I don't know. You</p> <p>10 know, there was some questions here, was that</p> <p>11 consistent with your idea of not filtering, and I</p> <p>12 responded to those questions, but I don't</p> <p>13 remember every one of them.</p> <p>14 BY MR. CHALLY:</p> <p>15 Q. But you can't recall, sitting here today,</p> <p>16 anything specific that you are aware of where SCE&G</p> <p>17 filtered information before it went to the ORS; is</p> <p>18 that right?</p> <p>19 A. Other than what was asked about. Now, I</p> <p>20 wouldn't know anything that ORS discovered after</p> <p>21 January the 15th as far as anything that was</p> <p>22 filtered. But you're right, Mr. Zeigler, I think,</p> <p>23 had a good working relationship with ORS overall. I</p> <p>24 mean, there was always issues.</p> <p>25 Q. And you had a very good working relationship</p>

DEPOSITION OF DUKES SCOTT

November 7, 2018

285	<p>1 with Mitch Willoughby, who was also a lawyer</p> <p>2 representing SCE&G at the time?</p> <p>3 A. Very good with Mitch Willoughby.</p> <p>4 Q. Never had concerns at all regarding what</p> <p>5 Mr. Willoughby was discussing with the ORS during</p> <p>6 your tenure?</p> <p>7 A. Not Mitch Willoughby. I mean, I practiced</p> <p>8 law with Mitch Willoughby. He was my law partner for</p> <p>9 a period fo time.</p> <p>10 MR. CHALLY: That's all the</p> <p>11 questions I have.</p> <p>12 THE WITNESS: Can I go home?</p> <p>13 MR. BELL: No questions.</p> <p>14 MR. SMITH: No questions for the</p> <p>15 state.</p> <p>16 THE VIDEOGRAPHER: This concludes</p> <p>17 the deposition of Dukes Scott. The time is</p> <p>18 17:40. We are now off the record.</p> <p>19 (The deposition concluded at 5:40 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	287	<p>1 A-T-T-E-S-T-A-T-I-O-N</p> <p>2 In Re: Lightsey v. SCE&G</p> <p>3 Deposition of: Dukes Scott</p> <p>4 Date Taken: November 7, 2018</p> <p>5 Taken Before: Rebecca Arrison</p> <p>6</p> <p>7 Having read my statement, no changes are necessary.</p> <p>8 Signed: _____</p> <p>9 Having read my statement, I make these corrections.</p> <p>10 Page ____ Line ____ Correction _____</p> <p>11 Page ____ Line ____ Correction _____</p> <p>12 Page ____ Line ____ Correction _____</p> <p>13 Page ____ Line ____ Correction _____</p> <p>14 Page ____ Line ____ Correction _____</p> <p>15 Page ____ Line ____ Correction _____</p> <p>16 Page ____ Line ____ Correction _____</p> <p>17 Page ____ Line ____ Correction _____</p> <p>18 Page ____ Line ____ Correction _____</p> <p>19 Page ____ Line ____ Correction _____</p> <p>20 Page ____ Line ____ Correction _____</p> <p>21 Page ____ Line ____ Correction _____</p> <p>22 Sworn to and subscribed before me this ____ day of</p> <p>23 _____, _____ County, South</p> <p>24 Carolina. My commission expires _____.</p> <p>25</p>
286	<p>1 STATE OF SOUTH CAROLINA</p> <p>2 COUNTY OF GREENVILLE</p> <p>3 REPORTER'S CERTIFICATE</p> <p>4 I, Rebecca L. Arrison, a Notary Public in and for</p> <p>5 the State of South Carolina, do hereby certify that</p> <p>6 there came before me on the 7th day of November, 2018,</p> <p>7 the person hereinbefore named, who was by me duly</p> <p>8 sworn to testify to the truth and nothing but the</p> <p>9 truth of his knowledge concerning the matters in</p> <p>10 controversy in this cause; that the witness was there</p> <p>11 upon examined under oath, the examination reduced to</p> <p>12 typewriting under my direction, and the deposition is</p> <p>13 a true record of the testimony given by the witness.</p> <p>14 I further certify that I am neither attorney or</p> <p>15 counsel for, nor related to or employed by, any</p> <p>16 attorney or counsel employed by the parties hereto or</p> <p>17 financially interested in the action.</p> <p>18 IN WITNESS WHEREOF, I have hereto set my hand,</p> <p>19 this 12th day of November, 2018.</p> <p>20</p> <p>21</p> <p>22 </p> <p>23 _____</p> <p>24 Rebecca L. Arrison, Notary Public</p> <p>25 My Commission Expires: 3/28/2027</p>		

DEPOSITION OF DUKES SCOTT

November 7, 2018

288

A	270:2	56:1,14	18:12,14	Afternoon
A-T-T-E-...	273:11	59:3 60:4	207:2,5	6:19
287:1	282:8	72:18	addressed	AFUDC 63:23
a.m 4:23	Academy 4:3	76:15 78:9	106:1,2	68:13
6:15	accept 42:24	84:4 88:11	233:12	age 17:24
AARP 27:18	44:4,19,24	88:24 89:1	251:2	agency
abandoned	45:13	89:6 250:8	addressing	134:16
81:16	112:22	250:11,11	200:23	162:10,19
82:15,22	146:4	266:20	201:3	169:15,20
135:11,12	175:7	273:10	adequate	247:15
abandonment	271:23	acted 60:4	238:4	agenda 5:19
18:20 19:1	272:4	action	adhere 86:10	127:19
30:23	accepted	201:24	86:24	129:9,14
49:22	26:9 49:6	202:2	administ...	133:4,7,10
81:22 82:7	193:8	242:4	35:19 37:3	133:21
82:12	access 99:17	280:3,5	37:4	256:20,23
83:11,21	107:2	281:5	101:12	257:4
84:6 103:7	109:3	286:17	265:6	258:13,20
152:22,23	224:16	active 49:16	Admissions	agendas
153:7	269:24	50:1	5:16	133:15,18
157:21	accessible	activities	admit 242:14	257:1
160:5,8	110:18	64:21 86:9	admitting	ago 253:16
166:24,25	accomplish	86:15,23	27:3	agree 42:20
167:2	268:8	163:8	advance	59:25 66:1
239:10	accrue 63:23	activity	130:21	67:19
256:4,8	269:9	65:19	218:19	69:18
276:11	accurate	136:2	adversarial	77:19
283:25	26:5 72:24	213:25	166:2	78:22 79:2
abandonm...	77:10,12	272:8	167:10	79:10,13
82:20	96:15	actual 77:22	206:6	84:13 88:9
Abbott	97:23	77:24	advice 12:4	89:10 90:8
151:17	123:24	78:16	advised	142:8
ability 18:5	accurately	194:24	212:10	156:14
56:25 82:8	203:16	241:16,17	advocate	160:22
86:10,24	216:13,13	Addison	238:8,9,9	204:12
93:16,23	accused	262:12	advocated	205:2
able 112:9	126:25	additional	244:19	214:9
231:21	achieved	15:6,21	affairs	228:22
234:15	187:23	57:20	262:16	238:14
absent 59:11	215:25	93:16	affect 204:6	275:21
59:11	achieving	136:15	affiliated	276:22
60:17	187:25	160:23	48:15,18	agreed 42:22
61:15	272:12	172:17	48:24	56:1 86:22
absolutely	acronyms	210:10,13	79:17	89:22
161:8	250:9	268:25	159:13	167:25
	Act 55:5,8	address	afraid 46:2	190:4

DEPOSITION OF DUKES SCOTT

November 7, 2018

289

208:6	257:14,19	260:11	125:21	anymore 46:5
241:25	all-enco...	266:21	126:23	136:11
283:19	177:19	268:23	141:5	anyway 27:5
agreement	allocated	amendments	162:2	40:24 41:2
5:22 12:9	135:6,7	268:16	192:12,23	250:14
12:15	allow 60:12	274:18	208:22	279:23
28:16,21	205:2	amount 15:19	230:21	AP 235:5
28:25 29:2	231:5	70:10	256:9	apologize
29:5,12,24	246:3	amounts	258:11	16:2
30:7,11,19	allowed 62:7	190:22	270:10,13	apparent
30:22 31:1	62:14 63:7	analysis	276:8	226:14
31:3	63:15	69:14	answers 5:15	apparently
139:23	67:25 72:1	169:3,7	11:20	26:18
141:22	73:4 277:4	240:12	Anthony	40:24
189:11,16	allowing	244:11	73:20	165:14
190:3,18	67:21	analysts	76:18 77:1	appear 266:4
204:19	allows 72:18	230:6,12	94:19,21	APPEARANCE
205:4,11	72:24	230:23	94:22	2:1
211:4	Alloy 166:22	analyze	128:6	appeared
227:5,6,12	alluded	277:4	134:11	245:25
227:22	246:7	analyzed	151:10	appears 69:2
228:6,10	Allyn 5:11	277:7	161:25	256:19
231:10,16	6:18 24:1	and/or	195:9	appendix
231:18	24:17	268:17	Anthony's	194:13,14
237:5,7	73:19	announce	95:2	200:1,4
241:23	76:19 77:1	10:2	anti 13:15	Appleseed
242:18	95:3,5	announced	15:18	27:18
246:5,6,9	128:6	40:8	anti-anx...	applicable
246:20	147:21	annual 21:2	13:16 15:7	71:1
agreements	161:22	49:23 50:1	15:21 16:4	application
173:3,15	168:21	answer 11:8	16:20	91:18
189:21	211:24	11:12,15	anti-dep...	applied
agrees 268:2	222:8	12:13,16	16:19	80:18,22
ahead 79:7	254:15	17:19	anticipated	81:2
106:4	278:25	23:21	197:22	applies
121:13	279:9	25:11	anticipates	30:22
166:7,8	Allyn's	33:12,18	198:2	appreciate
190:17	167:5	52:17 53:2	anxious	10:2 11:13
235:24	Amended 5:17	60:7 63:19	125:14	approach
241:8	amendment	78:6 81:17	anybody	266:1
279:24	210:17	106:10	20:25 23:8	appropriate
ain't 256:11	211:1	110:5	29:18	47:3 77:8
al 1:6 7:15	219:3	115:22	48:11	84:14 85:2
7:17	225:7	117:20	248:19	85:23
Alan 4:13	227:21	118:25	258:4,7	88:17 89:3
7:9 257:4	228:4	124:22	264:9	89:24 90:8

DEPOSITION OF DUKES SCOTT

November 7, 2018

290

90:21 91:7	6:4	asking 29:19	121:10	92:3 93:13
93:18	aside 16:18	29:22	122:1,15	180:13,16
188:12	asked 23:7	75:22	123:5,13	180:20
234:16	23:16,20	76:21,24	125:9	181:7
275:17	29:4,20	76:24 77:7	126:6,12	182:19
approval	39:17,18	82:2,3	127:5	183:8
50:19	40:1,18	89:1 92:24	128:23	assuming
227:20	76:5 77:6	92:25	129:2	34:13
228:3	81:25	137:25	133:5	235:14
approved	120:19	146:12	137:16,23	assumption
63:10 64:8	127:4	147:4	137:24	29:9 92:7
64:19	137:7	149:3	138:1	assumptions
65:18 81:3	138:13,15	158:7	139:10,21	179:16,21
81:4 82:8	139:9,20	167:5	170:3,8	179:23,25
83:20,22	141:4	168:2,20	171:3,5,9	208:17
86:10,11	142:16	174:21	171:15,24	209:1
87:1,2	143:7	203:8	172:5,6	assurance
92:1	145:4,11	218:24	173:25	258:14
193:13,21	145:18,21	258:24	174:8,19	Atlanta 3:7
219:4	146:8,9,14	261:22	238:18	attached
275:4	147:16	271:18,20	239:3	73:12 76:7
approving	148:3	272:20	280:17,22	76:7,8
65:4 66:6	149:7	asks 85:5	asset 70:19	194:16
66:13,23	155:22	149:17	assigned	196:6
67:17 68:2	156:2	aspect 62:6	56:12	attaches
April 5:13	158:2	62:13 68:8	assist 92:14	232:6
5:14 6:10	162:5,7	68:10	Assistant	attachment
201:12	165:21	aspects 64:9	35:24	75:23
215:9,25	166:1,17	65:12,19	assisting	256:19
257:5	167:7,9	67:15	9:3	attempt
area 265:11	168:5	Assembly	associated	210:14,22
ARIAIL 2:18	172:9	21:14,21	30:23 63:3	attempted
Arms 43:5	174:8	68:16	64:20 65:5	106:18
Arnett	176:23	250:12	67:22	attempting
128:17	184:5,6	270:11	68:12 91:8	156:1
arose 56:3	204:14	asserted	93:6,10	attend
Arrison 1:22	210:13	19:17	113:18	129:18
4:23 7:12	228:11	assess 72:20	173:1	attendance
286:4,23	230:15,19	assessment	207:3	9:10 27:8
287:5	242:24	24:19	222:18,19	137:2
artificial	253:15	71:17	assume 29:10	149:1
216:24	263:3	72:20	192:24	261:22
Asherman	269:23	115:13	255:5	attended
198:19,20	273:1	117:5,16	283:1	107:7
198:25	282:23	118:15	assumed	123:11
Asherman 198	284:19	120:5,20	91:20,23	140:12

DEPOSITION OF DUKES SCOTT

November 7, 2018

291

151:12,13	178:15	28:24 29:4	209:15,17	177:21
250:17	179:3,8	52:7,19,24	215:19	180:8
attending	180:6	53:3,5,5,7	216:23	181:3
130:3	186:9	53:14,24	221:16	187:19
attention	188:20,24	65:10,11	224:12,15	199:23
185:1	255:18	81:19	225:9	200:3
255:13	273:3	94:13	227:19	207:24
256:13	auditing	96:24 97:2	239:5	217:16
270:18	163:18,19	107:6,14	243:18,20	223:19
Attestation	190:23	108:1,5,9	244:9,16	228:23
6:23	August 6:20	108:12	244:18,25	231:15
attitude	18:15 40:4	115:11	268:17	240:8
214:3	40:16	122:6,13	269:13,17	246:16
attorney 4:8	49:21 50:3	123:3,7,7	269:20	247:6
7:23,25	184:17	127:3	278:5	253:3,7
8:2 12:1	222:1	129:11	279:6,14	254:18
19:13	279:12	133:13	279:18,22	264:1,5,16
25:19,21	authority	136:20	279:25	265:4,7
26:1 36:5	93:15	137:22	280:1,6,8	266:6
36:16	136:14	138:2,3,4	281:21	277:25
245:1	162:10	141:2,8,10	283:25	280:9,12
286:14,16	274:8,11	141:11,15	284:16	282:19
attorney...	274:14	141:17	awareness	background
25:3,10	275:1,5,7	146:19,25	124:20	35:7
31:25	authorize	147:6	192:21	bad 40:5
147:17	71:9	151:18		219:23
attorneys	automatic	152:5,10	B	balance
12:2,6	84:1,8	152:13	B 3:9,9	237:23,24
19:12 25:2	automati...	160:10,18	BABCOCK 2:18	balancing
31:24	83:22 85:7	171:8	back 13:8	270:9
attract 56:6	available	173:14	35:6 36:5	bankrupt
60:13 83:3	76:22	175:3,8,14	36:24,25	228:17,20
attractive	193:15	175:19	37:10 43:6	bankruptcy
68:14	194:9	176:18	45:19 55:1	103:20
attributed	204:25	177:10	64:13,15	144:10
46:17	avoid 99:9	179:25	64:16	Barnwell
atypical	99:11,20	180:3,10	76:12	2:10
260:13,16	99:23	184:12	101:24	Barrett 3:6
audible	104:20,23	191:11	107:13	8:21,21
11:20	104:25	193:1	115:8	base 55:4,8
audit 72:6	105:22,24	194:20	130:6	55:12,18
167:17	106:13,15	195:22	136:24	55:25
169:1	aware 9:16	202:25	159:4	57:14
176:11,15	17:13	203:10,13	161:14	58:13 59:3
176:19	18:24 19:3	204:18,22	163:20	60:4,14
177:3,24	19:4 28:20	208:25	172:1	65:4 67:15

DEPOSITION OF DUKES SCOTT

November 7, 2018

292

67:20	225:25	155:10,14	102:1,11	185:16
72:18	272:4	155:17,20	106:6	186:1,15
76:15 78:9	278:20	156:2,7	153:9	188:2,12
81:8,20	beat 13:10	157:10,12	161:16	219:8
84:3 88:11	170:25	159:6,8,10	217:18	236:16
88:24,25	Bechtel	159:22	240:24	238:12
89:5 91:18	22:15,18	160:1,4,7	252:17	239:7,9
266:19	22:24 23:1	160:11,20	253:21,24	248:23
267:21	23:9 24:2	162:6,7	259:6,12	249:8
273:9	24:17 26:7	165:10,15	263:15,16	256:13
based 42:23	26:8	165:21	280:10	261:4
56:1 64:23	116:16	168:3,21	begins 79:25	269:1
78:14 79:8	120:25	169:13	behalf 1:6	believed
79:9 80:5	121:9	170:3,8	8:4,13	119:24
80:9,10	122:14	171:3,8	150:7	136:15
85:25 88:1	123:4,18	172:9	163:1	137:8
92:4,5	123:20	174:5,14	269:4,9	172:1
94:15	126:11	174:19	270:8,14	188:7
108:17	127:5,8	176:24	belaboring	227:12
125:11	128:23	238:18	16:2	230:24
126:7	129:2	239:6,12	belief	265:25
175:15	133:5	239:15,16	173:16	273:19,20
179:16	137:12,21	239:20,24	208:15	believes
183:10,11	137:24	242:2,3,4	believe 18:4	99:6
183:20	138:1,6,7	242:9,25	29:16,16	171:14
187:22	138:10,14	243:3,11	30:3,3	239:13
193:5	139:10,20	243:21	37:2 43:7	believing
197:25	140:24	248:9,22	49:23	124:24
205:11	141:2,5,8	249:17	66:25 67:3	Bell 3:21
206:4	141:12,15	284:7	67:10 68:4	8:13,13
210:3	141:17	Bechtel's	70:12 80:6	115:20
237:18	142:10,13	169:3	85:9 86:8	285:13
255:22	142:15,16	173:25	88:5	Beltline 2:4
basically	142:17,21	becoming	110:11	Belton
95:2 238:8	143:23	214:2	119:12	111:11
249:3,7	144:19	bedtime	124:16	112:3
264:24	145:5,9,12	13:14 14:2	127:8	241:4
basing 67:24	145:19,22	16:10,15	129:14	253:17
basis 96:9	146:20,23	began 10:19	131:25	280:9
112:21	147:2,7,21	56:21	143:21	283:11
113:24	148:1,3,21	131:14	148:22	beneficial
114:13	149:4,7	132:2	154:15	69:16,21
140:15	150:13,21	197:18	165:6	benefit
165:4	152:17	beginning	167:15	205:16
184:9	153:3,12	63:10 64:2	170:14	best 11:11
225:13,24	153:24	70:6 97:22	183:12	11:14

DEPOSITION OF DUKES SCOTT

November 7, 2018

293

12:11 42:1	90:14, 24	282:7, 10	79:25 80:1	230:6, 16
132:2	190:7	282:14	181:24, 25	230:17
139:14	267:13	BRICKMAN 2:9	182:23	247:23
140:18	BLRA's 69:15	brief 210:15	207:20	253:3
157:17	Bluffton	253:14	burden 49:20	called 43:3
188:13	2:16	briefly 75:4	59:5 61:12	43:12 95:9
237:12	board 24:8, 9	bring 13:6	61:14, 15	156:21
better 63:22	24:18	13:12 25:4	61:24	166:21
108:6, 10	141:23	brings	267:13, 19	208:14
207:8	142:1, 3	267:11	267:20	242:4
beyond 13:22	146:11	broad 27:20	business	250:8, 13
44:1 73:12	154:4	broader	112:7	260:22
big 49:20	156:17, 20	27:23	235:10	calling
51:12	157:14, 15	broke 102:5	237:9	32:10
158:12	158:2, 3, 6	brought	242:20	calls 261:9
185:7	171:10	18:17	Byrne 196:15	261:11, 13
bigger	172:7	26:19 28:1	196:17	261:16
134:19, 23	281:15, 24	28:7, 9	245:20	Camperdown
biggest	bolts 163:7	224:23	246:1	2:23
135:20, 25	bonuses	242:11	259:6	candidate
bill 72:25	275:14, 16	284:4, 6	Byron 6:8	121:9
billion 70:8	275:17	Brunswick	100:4	candidates
70:8	books 190:25	135:9	110:22	117:4, 15
binding	bosses	BRYONY 3:12	112:2	118:14
59:15	225:20, 21	budget 58:6	206:22, 25	120:4
bit 11:10	226:3	71:18, 20	207:3	122:1
15:16 65:1	bothered	71:21	224:4	137:23
176:25	120:5, 8	80:25 81:6	236:4	cap 27:1, 2, 4
217:5	bottom	227:10	262:7, 13	27:5
261:4	270:21, 24	228:23	262:14	250:13
blood 13:8	bought 112:7	246:17	264:12	capable
13:18, 22	Boulevard	252:3		239:19, 23
15:25 16:6	2:4	275:23	C	capacity
Blount 41:21	Box 2:16 4:9	276:1, 4	C-O-L 260:24	25:22
BLRA 55:16	Boyd 4:20	build 55:15	260:25	capital
56:20	7:6	56:6 57:4	calculate	55:15, 17
57:12, 23	Brad 258:6	275:22	184:5	56:6 57:9
58:11 62:4	brand 219:5	building	call 13:25	58:16
68:15, 19	break 11:24	17:9 41:21	23:23 27:2	60:13
69:21 71:6	11:24, 25	43:5	28:4 37:7	62:15, 21
73:8 76:10	40:25	built 81:5, 9	38:4, 23	62:22
79:2, 5	54:22	82:16 84:3	42:12 43:6	63:16, 23
80:2 81:19	101:17	135:2	46:24	67:22 70:8
82:5, 7	115:3	260:20, 20	63:16	79:5 86:6
83:18	161:7	265:22	109:11	86:11 87:2
85:16	217:6, 9	bullet 78:22	156:18	190:5

DEPOSITION OF DUKES SCOTT

November 7, 2018

294

car 158:5, 5 158:6	237:8 270:8	cash 57:5 63:23	10:4 25:25 46:17	32:25 33:3 33:4 52:16
carbon 167:13	286:1, 5 287:24	68:11 198:7	86:14 87:24	53:6 54:21 55:3 59:21
career 38:24	Carolinas	Catawba	107:14	61:11, 18
careful 34:17	27:3	135:3, 17	135:20	62:1 73:3
99:15	carried	caught	136:13	78:1, 21
118:11	85:22	270:11	171:1	79:12
Carlette	214:7	cause 269:14	179:6	83:16 84:9
9:17	carry 72:6	286:10	182:16	89:21 90:5
Carolina 1:1	228:9	caused	201:21	94:6
1:10, 12, 14	carrying	143:21	204:22, 24	101:16
1:19 2:21	228:21	225:1	224:12	102:4
3:4, 20	Carter 199:7	278:11	certainty	105:8
4:22 6:1, 2	case 1:2 4:6	causes 126:1	67:12	115:2, 10
6:5, 6, 16	7:17 9:3	CB&I 199:1, 9	Certificate	115:24
7:8, 16, 19	33:22	cc 73:20	6:22 286:3	117:21
8:16 12:3	51:12 57:7	center 252:7	certify	118:8
26:24	59:6, 10	252:13	286:5, 14	119:20
28:17, 22	60:9 67:7	Central 3:19	chain 128:18	121:23
29:7, 14	74:13	8:14 97:17	Chair 232:12	122:11, 20
30:1, 9	83:14	234:2	Chairman	124:15
35:18	84:24	237:8	39:18 41:9	126:16
56:13, 15	85:14	249:4, 8	41:16	127:2
56:15 57:3	90:10, 18	CEO 109:9	45:22, 23	134:6, 18
68:17 71:1	91:14	198:25	challenge	136:12
71:8, 13	94:10, 13	199:1	59:8, 8, 11	143:10
72:1 74:8	98:8, 10	CEOs 199:9	59:12	144:23
74:14	163:18, 19	certain 64:9	135:4	150:1, 18
82:21, 23	173:7	64:20	challenged	153:20
82:23	179:6	65:12, 19	59:20, 23	160:2, 17
100:12	191:14	67:15	59:24	161:19
105:4, 11	214:6	77:15	61:23	165:19
134:21, 25	220:12, 16	79:24 87:7	challenges	166:6
135:5, 6	220:19	99:10	203:11, 13	169:11
149:22	226:19	102:6	203:15	170:1, 19
150:8	236:14	179:21	challenging	172:15, 24
154:3, 24	253:13	194:15	59:9	175:1
155:3	279:19	210:17	Chally 3:5	191:7
156:24	cases 8:17	221:11	5:3, 7 8:23	194:12
159:14, 16	8:18 46:12	227:2	8:23 9:9	195:17
159:21	85:8, 12	230:6, 13	9:15 10:9	200:20
160:10	87:17, 24	236:21	10:17, 19	206:10
167:24	88:23 91:3	259:15	12:19, 21	210:24
190:21	91:9, 12, 13	263:13, 22	25:16	213:21
	91:16	certainly	31:10 32:4	215:7

DEPOSITION OF DUKES SCOTT

November 7, 2018

295

217:7,22	274:20	283:2	92:19 93:1	255:11
220:15	charged	clear 9:22	collection	commentary
222:24	84:16,16	10:3 21:6	191:8	219:19
223:23	85:3,4	210:10	college 35:8	comments
240:1	88:19,19	241:19	Columbia 2:4	123:12
241:6	89:4,4	270:1	2:7,19 3:2	Commerce
243:4,13	90:22,23	clearly	3:13,17,22	39:21
243:23	charging	46:14	4:9,21 7:7	237:9
244:5,14	252:4	Cleckley 1:5	18:13	commercial
244:23	Charles	8:16	Combined	258:14
245:4,9,16	10:21	Clemson 35:9	260:25	commission
254:23	Cherokee	35:11	come 11:19	18:20 19:1
257:12	135:11	close 38:18	22:7 27:1	19:18
265:14,19	Chicago	38:25 39:4	38:4 56:13	21:15
267:14	97:25	39:5,6	57:6,11,19	35:22 36:4
268:10	Chief 38:5	283:22	57:21 58:8	36:6,9,16
275:24	43:24	closely 23:6	59:5 61:10	36:19,21
276:6,13	100:23,23	46:10	64:11,23	36:24 37:2
277:16	100:24	co-op 25:15	70:17	37:11 39:8
279:16	102:17	237:8	107:13	48:13,16
280:23	134:12	249:9,21	113:14	48:19
283:6	China 235:12	Co-Op's	126:6	51:23,25
284:14	cholesterol	151:17	136:23	56:8,18
285:10	13:7,19,22	Co-ops 26:18	156:9	58:1 59:13
Chamber	16:1,5	30:14,15	176:25	60:10,20
237:9	choosing	97:16,17	205:7,7	63:18,25
chance 75:1	273:8	151:19,22	215:5	64:7,8,12
215:23	Chris 92:17	152:3,5	227:10	64:16,18
change	Cindy 258:10	234:1,21	228:23	65:3,8,12
267:10	circumst...	248:24	246:16	65:18
changed 78:9	125:6	249:2	250:14	66:13,16
238:6,7	circumst...	251:20	251:10,10	67:14 81:4
270:12	12:4 18:5	Coastal	278:3	81:4,10,25
changes	51:9,13,15	27:14,14	279:12	82:3 83:21
266:19	54:4 59:23	27:15	comes 38:21	83:23
287:7	125:5	Code 71:1,9	147:21	84:15 85:3
characte...	133:20	71:13,15	comfortable	85:5,8,24
65:24	269:13	72:1,5	252:4	87:8,11,18
characte...	Citing 56:14	coffee	coming 27:3	87:21,25
216:24	claim 268:24	267:22,23	45:19	88:8,18
278:7	clarify	COL 260:22	59:24	89:3,25
characte...	281:11	260:24	81:13	90:9,12,22
163:11	class 8:5,8	collect 63:7	174:1	91:7 92:2
charge	237:25	106:19	197:24	93:18 94:8
270:16	253:13	108:15	214:19,23	94:9 101:6
273:17,20	clean-up	collecting	215:2	107:17

DEPOSITION OF DUKES SCOTT

November 7, 2018

296

171:2, 8, 14	234:23	261:9	231:21	233:10, 12
172:3, 13	committed	communic...	234:23	concerned
172:19, 23	229:10, 10	100:7	273:14	16:22
175:9	230:24	102:22	completed	22:15, 17
189:17	233:14	103:16	227:15, 15	26:23
191:25	234:5	104:9, 14	235:22	103:23
192:3, 15	committee	104:17, 18	completing	211:5
192:18	38:6 39:21	104:24	229:4	concerning
194:17	45:23, 24	105:3, 6, 10	230:25	210:6, 8
197:1, 7	75:24	105:14	232:18	286:9
200:22	97:13, 14	106:8, 14	233:5	concerns
201:17, 24	98:5	159:12	completion	200:24
202:11, 16	101:15	201:12, 14	114:9	201:3
216:3, 6, 10	114:1, 19	247:16	180:2, 11	202:25
216:13	118:10	251:16	180:19	206:11, 11
219:13, 15	130:8, 11	companies	181:8	206:15, 18
219:20	130:13	55:11	183:7	212:11
220:4, 14	131:24	company 1:10	193:3	215:21
220:24	136:7	1:19 7:16	203:1	226:23
225:25	234:3	56:17 64:5	209:22	245:1
226:18	237:8	67:1, 9, 13	215:24	285:4
246:16	251:1	190:23, 24	216:15	conclude
264:21	266:21	190:25	227:25	79:24
265:4	common 1:1	207:10	255:22	277:20
274:5	7:18 25:4	208:12	256:1	concluded
275:4, 8	28:15, 20	212:12	273:15	79:4
286:24	28:24 29:1	224:8	compliance	119:12
287:24	29:5, 12	230:4	63:18, 20	285:19
Commissi...	30:1, 11	245:2	64:6, 12, 17	concludes
63:20	31:3	255:23, 23	81:7, 9	101:19
Commissi...	commonly	Company's	comply 99:21	123:19
275:6	258:18	6:2, 6	compose	161:9
commissi...	communicate	compare	211:24	217:11
280:17	261:6	236:24	composure	285:16
Commissi...	262:2	complained	41:18	concluding
35:20, 21	communic...	241:1	computer	67:19
48:25 49:2	97:9	complete	23:23	conclusion
Commissions	103:11	9:11 11:12	conceding	80:1
35:24	communic...	11:14	283:16	conclusions
commitment	90:25	17:14	concern	190:11
184:21	113:16	34:18	17:17	200:10
188:15	communic...	96:15	211:1, 3	condition
228:9, 21	25:13	120:9	224:19, 24	227:9
229:4, 8, 9	103:15, 23	125:2	225:2, 10	conditions
229:13	104:2, 4, 11	197:22	227:3	124:24
231:4	105:2	229:8, 13	230:20	227:2, 4

DEPOSITION OF DUKES SCOTT

November 7, 2018

297

conduct 58:13 272:17	consider 91:16 92:18 117:14 122:1 124:5	187:14, 25 188:9, 14 191:11 193:2 194:1, 22 195:2, 22 197:18 198:1, 13 272:12	135:21, 25 162:17, 20 169:15, 21 175:10 190:4 192:5 193:15 194:4, 21 197:19 198:3 203:11, 13 203:25 204:13 206:1 224:20 232:18 233:5 258:1, 13 261:1 272:8 274:12 275:21	267:25 contested 90:10, 18 91:3, 9, 12 91:16 94:10, 12 220:12, 16 220:18 226:19
conducted 123:21 128:4 135:22 171:3 244:10	consider... 42:16 205:19 206:3	constraints 216:24 221:11, 18	198:3 203:11, 13 203:25 204:13 206:1 224:20 232:18 233:5 258:1, 13 261:1 272:8 274:12 275:21	contesting 235:19
conducting 86:5 115:12	considered 91:15	construct 57:14 58:13 60:13 63:3 273:9 274:8	203:11, 13 203:25 204:13 206:1 224:20 232:18 233:5 258:1, 13 261:1 272:8 274:12 275:21	context 27:22 112:1 115:16
conference 230:5 252:7, 13	considering 17:11 103:22 115:12 117:4, 15 118:14 120:3 137:23 196:25 197:6 237:15	constructed 80:19, 22 80:23, 24 81:2, 7 83:19 135:13 215:3	203:11, 13 203:25 204:13 206:1 224:20 232:18 233:5 258:1, 13 261:1 272:8 274:12 275:21	continued 45:20 49:18 102:18 206:12, 16 206:18 215:13
confidence 228:24, 25	confiden... 54:10 77:13 99:16, 22 263:14	construc... 235:11	consult 9:7 consumer 238:8, 9, 9 consuming 237:24	continues 79:14
confiden... 263:7, 20 263:23 264:6	considers 119:8	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	continuous 100:22 continuo... 102:16 contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24
confirm 70:15, 16	consistent 23:21 182:3 190:6, 10 190:13, 16 204:15 244:2, 7 245:13 258:21, 23 259:1 284:11	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24
confirmed 69:14	consortium 107:10, 12 112:20 113:12 175:4, 16 175:21 180:11, 20 181:6 183:22 184:21	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24
confused 252:17	consortium 107:10, 12 112:20 113:12 175:4, 16 175:21 180:11, 20 181:6 183:22 184:21	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24
connect 159:4, 5, 9	consortium 107:10, 12 112:20 113:12 175:4, 16 175:21 180:11, 20 181:6 183:22 184:21	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24
connected 159:11, 20 159:22, 25	consortium 107:10, 12 112:20 113:12 175:4, 16 175:21 180:11, 20 181:6 183:22 184:21	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24
connection 73:6 124:6 140:2 244:9 246:4	consortium 107:10, 12 112:20 113:12 175:4, 16 175:21 180:11, 20 181:6 183:22 184:21	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24
consciously 184:12	consortium 107:10, 12 112:20 113:12 175:4, 16 175:21 180:11, 20 181:6 183:22 184:21	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24
Conserva... 27:15, 16	consortium 107:10, 12 112:20 113:12 175:4, 16 175:21 180:11, 20 181:6 183:22 184:21	construc... 6:3, 7 55:12 56:21 57:6 63:10 64:2 64:21 65:13, 19 66:7, 13, 23 67:16, 17 68:2 77:17 78:5 79:4 79:15 81:20 86:5 86:10 87:1 92:14 95:4 124:10 134:20, 23 134:24 135:15, 21	contact 109:25 247:17 contained 31:1 179:16 192:22 210:17 212:3 224:11, 25 227:11 contempl... 67:16 content 177:10 contents 5:1 192:10 197:2, 8 contest	contract 96:1 219:4 227:8 246:18 268:5, 8, 14 268:19 269:12, 19 274:18, 23 274:24

DEPOSITION OF DUKES SCOTT

November 7, 2018

298

83:12	249:20	104:9,11	14:12 30:3	282:5
135:7	252:20,21	104:14,17	59:15 60:2	Correction
136:19	252:24	104:24	60:15	287:10,11
162:16	253:16,19	142:1,4	63:11	287:12,13
275:19	254:1,19	154:4	64:21	287:14,15
280:22	279:4	156:17,20	66:15 67:4	287:16,17
281:1	280:9	169:20	69:19,24	287:18,19
controversy	281:16	242:8	71:23 72:3	287:20,21
286:10	283:10	247:11,14	72:7 73:6	corrections
convenient	conversa...	247:16,17	76:23	287:9
217:6	20:22	250:17	79:15	corrective
conversa...	33:20	Cooper's	80:14,19	204:1
20:18 23:4	145:16	155:2	80:23	correctly
24:21,23	154:18	cooperated	86:15	252:20
24:24 26:3	159:19	240:25	87:15	correspo...
27:24 28:2	187:18	cooperation	91:10	199:5
31:11	233:18,20	241:2	108:2	201:11
32:11 40:6	234:7	cooperative	110:20	261:5
43:25	240:22	3:19 8:14	114:5	262:19,21
44:13 49:7	249:16	137:4	115:17	282:1
53:18,21	252:19	240:21	132:24	cost 57:25
54:18	255:8	Cooperat...	145:16	62:21,22
100:10	278:25	3:20 28:16	149:18	62:25 63:2
121:25	convey 96:17	28:22 29:6	150:10,14	63:9,16,17
138:21	119:4,7	29:14 30:1	162:12	63:23,23
140:19	160:3	30:8 74:7	170:15	68:12
144:13,14	183:6	74:13,17	173:6	69:15,21
144:16	197:14	105:4,10	175:5,22	72:3 79:5
145:3,8,10	216:9	105:18,19	176:12,15	81:3 86:11
145:13,17	conveyed	150:4,8	179:22	87:2 173:5
145:20	119:11	159:14,16	180:6	173:16
147:20,24	187:5	159:18,20	183:12	175:4,10
147:25	226:18	160:4,10	186:20	175:22
148:2,4,8	229:12	copies 100:5	201:22	190:5
152:16	236:20	100:6	226:1	198:7
153:11,25	239:12,20	101:14	256:17,21	203:25
155:24,25	251:6	174:21	257:4,23	205:24,25
158:3	conveying	copy 98:17	259:16	224:20
167:1	230:12	155:10,14	260:22	227:16,20
187:12	conveys	166:16	261:14	244:11
241:3	180:10	171:10	263:5,24	265:22,23
244:2	195:21	199:22	264:22	278:11,15
245:14,19	204:13	Corporation	271:3	278:18,22
245:24	Cooper 1:5	1:11,19	272:8	costs 62:8
248:7,10	3:15 8:10	3:4,12	273:4	62:15 63:8
248:18	24:12	correct	281:5	63:8 64:2

DEPOSITION OF DUKES SCOTT

November 7, 2018

299

67:16,22	154:16	couple 33:17	customer	187:23
68:1,3,5	155:9,13	33:19	70:19	193:3
70:8,11	155:16,25	179:11	169:23	233:23
82:8,21	156:1	247:11	270:14	236:25
92:1	160:12	course 77:9	customers	237:1
205:22	161:21	82:13	69:16,21	271:9
227:8	162:5	136:10	70:8 135:6	287:4
Couick 22:1	165:9,12	207:22	188:13	dated 5:11
22:22,23	165:14	230:21	229:2	5:12,14,18
24:2,15,17	166:3	252:4	237:25	6:9,10,12
24:23,24	167:2,22	266:23	256:2	6:14,15,18
26:3,20	168:20	court 1:1,23	265:12,18	6:20 196:4
27:22 28:3	169:12	4:24 7:11	269:4,10	dates 209:22
31:13 32:6	172:8	7:18 10:10	270:8	215:24
32:12 33:6	174:20	11:3,9	273:3,6,16	216:15
33:11,21	248:7,8,21	53:1	cut 105:20	227:25
34:8,8,23	250:21	covered	cut-and-...	255:22
38:4,16,19	252:19	169:9	105:20	Davis 69:24
42:6 106:1	Couick's	craft 114:17	cutting	70:2,5,15
106:7,9,14	23:12	114:19,21	198:13	70:21,25
138:15,21	150:13	114:25		71:14
139:9,19	165:20	181:20	D	73:12
140:1,6,14	167:4	create	d 128:20	240:14
140:19	249:16	202:25	daily 261:25	241:1
141:2,7,11	counsel 2:1	creation	damages	255:19
141:14	7:5,20	37:23	268:14,18	day 4:22
142:9,19	20:2 38:5	38:11	268:24	11:24
142:21	43:24 51:1	232:13	269:1,3,9	14:21,22
143:12,21	51:21	238:1	274:12	14:22 15:4
144:13,17	100:24,24	credit 181:2	275:10	15:11,12
144:17,18	102:17	cried 242:15	Dan 128:16	15:15,20
145:4,8,10	103:11	critical	Daniel 234:1	16:12,14
145:18,21	111:8,10	56:19	Danny 198:20	16:15
145:23	234:9	57:13	198:21	44:20
146:3	286:15,16	144:5,7,9	data 98:18	46:24 50:5
147:4,20	countered	276:23	164:15	72:12
148:9,17	26:9	CSI 7:10,12	169:7,8	170:5
148:25	countering	cup 267:22	190:23	233:22
149:3,7,21	26:10	267:23	date 7:2	286:6,19
150:3,8,23	counterp...	current	21:3 26:10	287:22
151:3,5	166:21	181:23	101:25	day-to-day
152:6,13	counting	187:15	109:15	95:11,18
152:17	163:7	201:18	132:5	days 21:2
153:2,11	County 1:2	208:16	161:15	95:19
153:22,23	7:19 286:2	currently	175:13	deal 158:12
154:6,10	287:23	12:22	182:11	178:16

DEPOSITION OF DUKES SCOTT

November 7, 2018

300

death 13:10	214:1	225:2	describe	determin...
debate 65:21	definition	Depends	38:15	56:21
decades	205:13	49:11	41:13	57:23
264:22,23	206:4	256:4,8	78:15 95:7	58:20 59:1
December 6:9	237:19,21	deposed	95:15	59:14
40:7,8,9	definiti...	33:21 34:9	105:13	60:12,17
41:11	60:19	34:24	177:1	61:4,9,16
49:24 50:4	delay 277:21	deposition	described	61:22 64:1
110:9	278:10,14	1:18 4:19	19:9 43:2	80:14,18
207:23,24	delayed	7:4,12,14	69:14 73:2	80:21 81:1
261:21	193:4	9:11,13,18	77:20	81:23
decide 45:6	delays	9:19 10:19	78:23,23	124:11
45:15 85:1	224:20	10:22 12:5	86:23	238:14
decided 39:7	delegate	17:15	110:25	267:19,24
47:1 70:12	266:25	33:24 34:1	116:16	determine
99:3	delegating	34:2,4,5	117:23	84:23
109:24	223:9	68:25	120:6	118:5,24
110:2	delete 98:7	101:20	161:21	183:22
112:14	98:13 99:3	102:2	167:23,25	184:15
160:25	99:5	111:21	178:17	determined
204:19	deleting	116:6	179:22	57:25 68:6
deciding	98:15,22	120:10	183:7	determines
242:18	delivered	161:10,17	191:1	85:11
decision	251:6	168:17	196:10	detriment
50:25	demand	189:9	197:3,11	45:25
226:25	280:25	191:18	210:19	develop
decisions	denial 137:1	202:6	236:7	77:24
50:13	denied 110:4	217:12,19	describes	78:25
273:15	110:15,17	217:24	77:14	developed
declared	136:21,24	236:3	describing	212:24
144:10	269:24	250:2	201:16	developing
Decosimo	Dennis 41:1	252:18	225:12	212:18
69:24	41:4,5	255:14	235:1,4	development
deemed 59:12	department	256:14	description	55:23 95:1
62:16	162:15	270:19	39:5 95:21	195:6
65:12	195:4,6	280:7	270:22,25	205:17
deep 229:4,8	departure	285:17,19	271:12	214:20
229:9,13	51:7	286:12	design	238:1,11
defendant	depend	287:3	212:13	DHEC 156:21
3:15 7:5	124:11	depositions	desperate	158:4,25
Defendants	depended	7:10 20:5	28:4	159:2
1:13,19	180:20	Deputy 4:8	detail	162:13,14
3:4,19	dependent	35:23 36:1	158:13	Dickson 4:2
4:20 7:17	180:12	100:24	191:1	4:2 7:22
defense 9:11	242:20	128:16	details	7:22
definitely	depending	164:10	246:11	difference

DEPOSITION OF DUKES SCOTT

November 7, 2018

301

23:13	25:18, 23	185:6, 8	158:15	189:4, 19
276:23, 25	35:24 36:1	discuss 12:5	187:24	191:21
different	37:18, 19	22:20, 22	218:18	192:11
23:2, 12	39:12 44:6	49:4 109:6	272:12, 16	202:8
55:22	50:8, 11	111:16	272:21	206:12, 15
78:17	66:11	112:13, 15	dispute 46:9	218:1, 7, 8
124:24	72:11	128:22	47:14	223:25
125:7	84:11, 19	129:1	112:24	224:3
126:8	84:23	131:21, 22	113:1	232:22
138:13	85:10, 11	156:16	117:9	242:4
141:20	94:25 98:9	165:13	123:22	271:6, 9
145:9, 13	117:24	discussed	distinct	277:14, 18
146:6, 15	128:16	24:15	71:5, 22	documented
149:14	162:24	133:4	distribute	259:14
151:11	164:10	188:10	250:15	documents
160:16	169:14	209:3, 8, 11	docket 139:2	5:17 92:23
167:16	178:8, 14	discussing	139:9	98:17
168:18	202:22	102:6	150:9	99:10
184:4	203:9	255:18	161:1	101:8
188:8	262:17	285:5	188:22	104:21
258:12	270:3	discussion	189:1, 12	105:23, 25
260:19, 21	280:15	6:16 26:7	191:2, 9	107:19
261:2	directors	27:21	206:13, 17	108:1
270:4	281:13, 15	31:23 32:6	237:6	250:22
difficult	disagree	32:24	dockets	277:3, 5, 6
47:18, 23	65:24 66:1	34:22 42:9	114:15	277:7, 8, 12
dinner 38:21	80:15 89:7	48:23, 25	173:2, 6, 17	277:15
38:22	89:8	50:22 54:4	doctor 14:1	doing 40:24
direct 96:4	disagreed	54:8, 14	15:22	46:19 77:9
100:9	283:19	93:5, 9	16:23	106:25
107:1	discernable	143:11, 16	document	125:8
114:17, 21	209:23	145:25	73:12	126:25
114:25	discharging	146:16	75:15, 20	133:24
199:4, 5	61:15	147:14	101:11	134:7, 8
directed	93:12	148:17	106:3	136:2, 9
92:8 96:7	disclosure	223:15, 18	127:13	137:10
direction	58:4	253:6	139:18	139:10
286:12	discovered	283:16	176:3, 6	158:18
directive	110:10	discussions	179:12	162:23
204:3	159:10, 11	20:8, 9, 14	180:3, 10	163:2, 14
directly	284:20	20:24	181:18	163:20, 21
92:10	discretion	21:13, 20	182:17	163:23
95:17, 20	84:18	22:1, 4	183:14	164:1, 12
113:25	119:9	25:2 31:13	186:13, 16	164:17
164:5	124:14	33:5, 11, 12	186:20, 24	171:8
director	179:4, 5	42:17	187:11	174:11

DEPOSITION OF DUKES SCOTT

November 7, 2018

302

279:13	112:2	earlier 21:1	53:13,16	74:13
dollar 70:10	157:10	138:12	54:5,9,14	105:4,10
dollar-wise	161:10,18	156:2	112:2	150:4,7
135:18,19	217:13,19	196:8	128:16	159:13,15
Dominion	285:17	224:4	129:20	159:17,20
31:19 32:8	287:3	234:17	134:13	160:4,10
32:19	duly 10:14	255:14	143:15	237:7
dosage 14:7	286:7	263:4	151:13	electrons
doubt 74:15	duties 49:16	266:7	153:15	135:7
121:18,22	86:4 89:16	269:22	163:16	element 80:3
121:22	89:17,20	270:2	252:21	Ellerbe
doubting	89:22 92:8	273:1	279:4	156:21
221:14	93:13	280:4	Edwards'	158:21
Dr 17:3	162:16,18	281:3	53:21	159:15
draft 209:5	duty 84:13	early 115:11	effect 157:1	247:21
232:6,14	84:21	117:3	241:11	248:3
232:16	85:22 88:2	139:7	254:4	249:13
238:20,23	88:15,16	144:9	effective	Ellerbe's
243:2,6,21	88:17 89:2	244:10	47:14,16	34:13
drafted 38:7	89:8,10,13	East 2:13,23	47:19	Elliott
207:22,24	89:14,14	3:10	effort	69:24 70:2
209:11	90:8,11,15	easy 151:25	188:15	70:5,15,21
218:8	90:16,17	echo 212:23	efforts	70:25
236:12	91:1,17,19	economic	108:15	71:14
drafts 242:3	91:20,23	55:23	either 22:23	73:11
draw 95:21	92:3	56:12	32:22	234:20
96:1,12		205:17	102:8,23	240:14
drew 103:10	E	238:1,11	119:10,10	241:1
drinks 111:4	e 2:18	economic...	121:22	255:19
112:5,6,8	212:21,22	135:7	132:5,16	else's
112:17	212:23	economy	172:17	138:13
Drive 17:5,8	e-mail 73:19	206:2	200:18	Email 5:11
151:17	75:21 76:2	ECSC 31:3	264:20	5:12,14,18
due 212:11	76:3,7,25	140:7	elect 85:18	6:10,15,18
230:13	98:16,17	Eddie 38:8	275:10	emergency
Duke 27:2	111:22	educational	elected 37:6	173:12
57:2	112:1,3	35:7	election	Emory 4:7
156:23,24	127:14,14	Edward	274:20	8:15
158:22	127:16	153:18	Electric	emotional
Dukes 1:18	229:23	Edwards 3:1	1:10,19	40:12
4:1,19 5:2	232:4	8:1,1 25:7	3:4,19,19	emotionally
5:12 6:19	251:8,12	25:15,17	6:2,6 7:16	48:1,6
7:5,23	251:18	27:22 28:2	8:14 28:16	employed
10:13,21	256:16	31:12	28:22 29:6	36:18,20
101:20	262:3	51:19 52:2	29:13,25	49:12
102:2	EAC 272:5	52:8,20	30:8 74:7	286:15,16

DEPOSITION OF DUKES SCOTT

November 7, 2018

303

employee	204:7	137:22	283:13	39:11 44:6
258:5	212:7	estate 36:13	exactly	50:8,10
employees	ensures 80:8	36:14	91:12 93:8	66:11
93:5	enter 160:25	estimate	126:17	72:11
244:18	161:2	87:2	157:1	84:11,19
employment	204:19	179:16,21	159:2	84:22
45:20	242:18	179:24	257:20	85:10,10
encompass	entered	180:1,11	examination	117:24
149:18	172:25	180:19	5:2 10:16	128:16
encourage	173:3	181:8	240:4	162:24
250:12	189:11,22	183:6	247:8	164:10
energy 27:3	190:19	estimates	253:9	169:14
57:2	205:10	57:25 63:9	283:5	178:8,13
134:24	237:4	86:11	286:11	193:10
135:21,25	enters 9:24	198:7	examined	202:22
154:23	9:25	et 1:6 6:16	286:11	203:9
156:23,24	entire 144:8	7:15,16	example 22:8	269:6
234:3	entities	evaluate	211:13	executives
237:8	120:24	94:9	exchange	109:4
250:15	entitled	239:15	73:19	exercise
enforce	63:22	evaluating	125:22	226:25
269:18	73:24	92:14	143:12,13	231:5,12
enforcement	204:13	evaluation	143:14	exercised
268:9	environment	239:25	151:3	190:19
enforcing	78:4 79:3	evening 14:3	229:24	exercising
268:4	80:8 81:20	14:6	232:5	46:19
272:21	162:15	event 80:22	261:15,25	exhibit 5:10
engage 51:10	214:7	123:20	exchanged	5:11,12,14
51:16	EPC 210:25	226:13	261:13,17	5:15,18,20
52:21 70:5	227:8,21	events 18:6	263:22	5:21,22
71:10,14	268:5,14	eventually	264:16	6:1,4,5,8
71:16	269:19	47:1	exclusive	6:10,12,13
engaged 52:9	274:18	277:20	112:10	6:15,18,20
52:22 53:9	equals	everybody	excuse 24:25	68:22,25
54:6 69:23	181:24	111:12	29:23	73:13,15
70:2,15,24	era 97:23	268:2	175:14	73:18
133:14	101:2	evidence	195:11	75:16,18
engagement	escorted	173:20	221:10	111:18,21
70:20	41:21 43:5	226:24	239:2	116:3,6
engaging	escrow	267:7	executed	127:10,13
194:2	212:13	ex 4:6 8:17	189:16	175:25
engineer	especially	219:15	executive	176:3,4
124:10	25:12	226:4	25:18,23	186:4,7
157:11	essential	exact 41:10	35:23,24	189:6,9
158:8,11	80:3	139:12,13	36:1 37:18	191:15,18
159:6	established	175:13	37:19	198:16,19

DEPOSITION OF DUKES SCOTT

November 7, 2018

304

199:24	117:17	80:18	120:23	272:4,13
202:3,6	119:4	84:19,20	121:2,5,7	278:6
206:19,22	132:13	84:24	121:10,12	factors
211:8,11	180:9	178:18	121:15,16	40:11
217:20,24	183:17	220:22	122:14,22	77:16,19
223:21,25	184:14,25	264:4	123:4	78:3,7,11
229:21,23	185:3	external	125:8	78:12
232:1,4	193:4	122:23	127:3,20	113:18,18
235:13,25	expecting	extra 72:3	129:8	113:21,23
236:2	125:16		133:3,19	114:5
240:8	194:3,9	F	137:24	180:12
255:14	251:4	fabrication	149:20	181:1,7
256:14	expenditure	259:19	150:2,7	184:10
270:19	86:6	facilities	165:13	187:23
EXHIBITS 5:9	expense	55:12	170:12	216:19
exist 101:9	151:21	57:14	171:14,24	278:9
existed	experience	58:13	184:8	facts 119:5
93:21,22	78:16	81:21	185:22	124:2,4,6
94:2,3	265:11	238:3	196:2	124:17
125:6	expert 71:22	facility	197:6	179:17
existence	92:13,18	55:18	203:21	229:17
135:22	96:2	60:14	205:14,23	fail 85:15
136:1	experts	173:12	206:5	failed 12:14
existing	71:10 72:2	fact 9:17	210:1	94:14
216:24	expires	19:4 23:15	216:4,5,7	failing
exists 80:3	286:24	24:16	227:5,19	122:7
101:12	287:24	26:25	229:11	fails 246:14
125:7	explain	34:23	231:20	fair 17:25
exit 279:5,9	47:22 54:2	45:15 47:6	233:13	18:11
exited	156:1,3	53:24 54:5	240:22	32:14,15
278:25	250:24	55:7 56:11	281:6	32:17,20
expect 113:8	253:25	57:2 62:14	factor	32:23,23
119:7	272:3,18	70:16 78:2	180:21	33:10 39:2
178:15	explanation	78:8 79:20	182:2,5,6	106:18
184:13	47:9	79:23	182:10,11	144:8
185:6	254:11	81:19	182:20	192:2
280:15	expressed	93:23	183:8,9,23	278:10,14
expectation	206:12,15	107:2,6	184:3,16	280:15,21
25:25	226:24	110:24	185:4,19	fairly 12:15
128:13	234:23	112:19,25	187:15	38:18
131:19	extend	117:14,16	188:1,8	faith 120:9
179:1	266:18	118:1,13	213:12	124:25
expected	extended	118:21	216:2	279:15
96:17	50:6	119:2,3,11	225:9	280:4
113:6	extent 25:1	119:12	271:15,22	fall 137:11
114:3	31:23	120:5,18	271:23	137:14

DEPOSITION OF DUKES SCOTT

November 7, 2018

305

familiar	103:22	282:21,25	212:11	8:4 51:1
12:3 17:10	128:24	file 87:23	228:14,16	51:11,16
18:16,18	129:3	88:13,15	230:14	52:3,9,21
18:18 51:9	133:6	250:22	231:7	69:23
51:14 55:4	242:21	266:23	238:2,10	253:12
69:1,5	246:15	filed 19:17	261:21	firm's 34:13
74:4 75:6	284:21	107:17	financially	first 5:15
75:10 78:2	fast 271:5	173:22	286:17	10:14
78:7,10	favorable	175:8	financing	26:15
112:19	77:16 78:5	files 101:6	63:2,8,17	38:16,17
120:18,23	213:13	101:9,14	68:1,3,12	51:20 65:8
121:2	February	filing 19:19	80:8	72:21
122:21	6:15	20:19,22	find 17:5	73:18
127:20	138:24	20:24	106:11,25	75:20
133:3	139:8,17	31:19,19	151:25	127:13
149:20	238:18	filings	169:12	138:7,9
150:2	239:6	19:16	170:2,5	143:19
175:23	federal 78:3	filled 37:9	225:15,15	147:24
176:3,10	feedback	filter	240:9	148:2,4
176:14	223:14	241:11	242:6	152:25
177:16	feel 225:18	254:5,11	finding	174:9
179:9	241:19,23	filtered	60:18	179:14
181:3	252:3	283:17	164:21	187:5,8
184:8	Felan 38:9	284:1,17	208:10	189:4
186:12	Felder 2:6	284:22	210:15	193:12,18
191:20,22	8:7	filtering	219:3,7,8	194:8,11
192:10	Felkel 5:18	241:5,12	findings	194:16
196:2	felt 45:19	241:20	255:18,21	195:15
201:2,10	45:19 46:8	244:3	fine 47:1	200:1
210:1,3	205:18	245:15	178:18	218:10
213:1,4	Fickling 2:3	254:8	222:4	221:15
214:18	5:6 8:3,3	284:11	277:3	232:23
223:25	223:13	final 5:11	finish 45:8	238:17
229:11	253:2,10	5:19 73:21	62:10	239:5
239:21	253:11	116:1,13	139:19	240:20
243:5,8,10	255:3	140:24	166:5	270:25
252:10	257:18	238:17	235:9	first-hand
257:15,17	265:16,24	finally	finished	203:15
259:19,20	267:16	147:15,16	123:16	247:19
260:10	268:12	264:25	166:7	five 37:6
familiarize	276:3,9,21	financial	finishing	128:19
75:4	277:19	55:24 56:5	233:15	265:5,5
family 40:12	279:20	58:17	Finley's	fix 227:7
42:15,16	280:20	67:22 79:3	266:20	fixed 210:21
fancy 252:12	281:2	190:23	fire 44:6	210:25
far 78:25	282:8,13	205:18	firm 2:3,23	226:25

DEPOSITION OF DUKES SCOTT

November 7, 2018

306

227:10,11	283:7	93:25	277:16	282:2
227:15	followed	97:14	279:16	283:12,13
228:4,9	158:4	105:7	280:18,23	frank 34:13
231:6,12	196:5	108:1	284:8	156:21,25
246:7,8,10	following	115:19,20	formal	158:20
246:15,17	18:23	117:18	107:18,21	159:15
274:21	21:19,25	118:3	136:20	187:24
Flemming	41:19 45:1	121:20	167:17	249:13,14
49:1,2	67:1,2	122:9,16	formally	272:11,16
flip 75:1	80:1 127:4	124:8	45:13	272:21
116:8	131:11,15	126:13,21	formed 30:1	free 167:13
128:19	198:5	134:2,9	265:7	Freedom
186:23	206:12	136:4	Forty 18:15	263:4
193:9	210:25	142:23	forward	Friday 44:22
196:13	211:14	144:20	180:13,16	44:22
204:10	237:4	149:23	182:21	129:21
flood 173:11	283:23	150:15	227:14	friend
Floor 3:17	follows	159:24	270:12	158:21
4:21 7:7	10:14	160:13	found 97:19	friendly
Flour 215:2	73:24	165:16	156:11	158:23
flow 198:7	fond 154:7	169:5,18	192:25,25	214:5,10
flows 80:13	154:16	170:16	208:14	friends
Fluor 212:17	155:5,6	172:10,21	243:7	38:19,20
213:15	foregoing	174:22	254:6	front 42:14
214:19,22	117:2	191:3	four 15:24	frustrate
215:2,3,5	Forest 17:5	194:6	16:3,16	91:4
234:1	17:8	200:13	36:21	FTE 165:1
fo 285:9	Forester	205:5	187:19	fulfilled
focused 86:9	232:6,9,17	210:20	188:3	190:20
86:24	233:4	213:17	213:22	full 58:4
223:2,5,6	235:17,19	214:24	217:19	178:12,18
FOIA 99:7,12	forget	220:7	fourth	197:18
99:20,24	120:17	222:22	197:17	276:4,5,11
104:25	form 5:20,21	241:6	221:24	full-time
105:24	12:16	243:4,13	frame 50:15	164:24
106:16	16:20	243:23	105:17	165:2
follow	29:11	244:5,14	138:20,25	fully 190:6
126:10,15	52:10,13	244:23	139:12,13	193:14
126:18,24	52:23	245:4,9,16	139:17	194:3
170:7,11	59:16 61:6	254:23	140:16	198:2
172:17,18	61:17,20	257:12	144:22	240:21
follow-up	72:8 77:21	265:14,19	151:20	276:15,18
148:16,18	78:20 79:6	267:14	165:9	function
232:24	82:10	268:10	182:4	87:5,6
233:1	83:24	275:24	263:18	88:6
247:12	89:18 90:1	276:6,13	264:14	functions

DEPOSITION OF DUKES SCOTT

November 7, 2018

307

72:7	161:22	225:14,16	17:9	26:25
furnish 94:7	162:3	236:14	Global 7:10	32:21 34:9
105:18	208:1	250:25	7:12	36:5 38:3
251:3	211:12,13	262:6	go 11:1 21:9	42:14
furnished	234:8	generate	32:21	44:24 46:9
106:6	249:5	167:12	34:20	46:11,21
261:18,19	gas 1:10,19	generic	36:24	50:2,5
further	3:4 6:2,6	13:11	38:21	51:12 56:4
30:16	7:16	getting 90:4	39:25	60:10,21
146:16	167:13	108:20,22	42:22	68:24
148:16	gathering	131:7	43:12,13	70:10,11
201:24	23:20	136:6	43:16	73:17,23
202:1	G CJ-3 5:21	142:18	46:16 47:8	75:15
222:13	271:2,7	163:4,6	47:10,18	81:25 82:3
283:1	Gene 4:13	199:22	47:20,23	82:14,16
286:14	9:2 73:21	203:3	49:25 79:6	83:7 99:3
future 26:23	95:3,10,12	223:13	82:14	104:13
235:4,11	95:12,15	249:7	92:22	106:1,2,11
	122:13,22	GGS-4 5:20	100:18	106:25
G	128:7	Gibson 2:12	106:4	109:14
G 4:2	208:2	33:1,3	121:13	125:10
GA 3:7	general 4:8	gist 41:10	128:17	129:17
Gadsden 3:22	4:8 20:15	149:5	153:16	161:4
gain 108:6	21:13,21	give 11:18	158:12	166:8
108:10	57:7 68:16	31:21 32:8	165:20	170:24
gained	71:1,4	42:4 56:15	166:7,8	180:13,16
126:11	73:9	56:18	177:4	186:6
Galvin 2:15	178:10	132:19	190:17	187:18
2:15 12:20	189:23	138:21	199:23	195:22
12:20	213:25	169:2	228:17,19	200:16
games 59:18	234:9	240:7	235:24	205:24
Gary 6:10	250:12,15	241:12	241:8	206:21
9:19 71:23	257:21	242:19	246:13	215:2
71:25	270:11	249:6	253:2	217:5
72:25 73:5	generally	275:16	260:11	218:20
73:20	95:7 97:11	given 10:22	265:6	225:7
74:17,18	97:24	24:18	275:23	228:17,19
75:21 77:1	101:1,3	132:14	279:23	233:22
92:18 95:3	105:14	136:13	282:12	235:9,10
95:23	110:1	150:3	285:12	245:2
97:15,20	112:18	179:12	goals 213:10	256:11
98:3,9	176:13	277:15	goes 15:22	257:25
117:3,11	178:2,9	286:13	16:23	259:9
120:19	203:12	gives 213:10	72:11	270:12
140:7	207:7	giving 17:14	going 18:22	277:25
151:8,9	222:7	glass-lo...	21:8 24:6	good 6:18

DEPOSITION OF DUKES SCOTT

November 7, 2018

308

10:18	graduate	192:12	217:23	32:16
27:11	35:11	221:15	223:24	134:11
45:20	graduated	231:23	handle 46:11	150:17
46:15	35:14	247:18	51:22	154:3
68:16, 19	graduation	252:7	70:22	163:16
110:14	36:11	270:10	handled	195:9
124:25	GRAY 3:21	280:13	72:12, 13	262:15
125:14, 17	great 47:24	guessing	handling	heading
125:19	47:25	259:24	122:23	179:23
158:21	72:14	guy 92:17	hands-off	health 40:12
164:1, 2	186:2	167:23	266:5	40:12 46:3
206:2	205:16	234:17	hands-on	46:3, 18, 20
208:11	206:1		266:1	162:15
215:5	212:8	H	happen 74:23	hear 31:7
279:13	greater	Haley 100:20	240:18	260:9
282:9, 13	124:20	100:21	245:7, 12	heard 29:17
284:23, 25	green 167:13	102:8, 23	happened	138:6, 7, 9
285:3	Greenville	104:4	41:19	141:20
goodness	2:24 286:2	Haley's	54:20	143:1
27:10	greetings	102:11	82:17	155:16
government	214:5, 11	half 36:23	103:20	165:9
35:18	Greg 12:20	265:1	126:2	191:14
governor	GREGORY 2:15	Hampton 1:2	256:4	235:3
42:24 43:2	Griffin 6:15	2:7, 13, 19	happening	252:15
43:8, 9, 17	229:24, 25	7:19	82:19	260:1, 2, 6
43:21 44:5	ground 11:1	hand 68:24	happens 9:24	hearing
44:5, 9, 14	grounds 25:3	73:17	11:3 256:8	18:25
45:12, 13	25:10	286:18	hard 47:17	141:21
47:2, 5	43:14	hand-in-...	47:20 48:1	143:5
49:6 100:8	group 2:15	275:23, 25	48:1, 4	173:8, 10
100:10, 11	27:12, 13	handed	98:17	223:14
100:15, 17	27:20	111:20	177:20	hearings
100:20, 21	177:20	116:5	181:17	94:10
102:8, 8, 11	guarantee	127:12	187:19	152:25
102:23, 23	246:12	176:2, 4	188:3	220:12
104:4, 5	guaranteed	188:25	Harris 135:4	239:10
242:8	227:24	189:8	Harrison 2:6	hearsay
280:25	guess 34:12	191:17	8:6, 6	266:3, 3
governor's	37:7 40:4	232:3	hate 13:9	heavy 14:7
42:12, 23	43:6 44:6	236:2	218:15	heightened
43:11, 12	46:6 47:11	handing	219:22	224:19, 23
43:15, 16	49:12 57:8	32:19, 20	242:14	225:2, 10
102:7	155:22	198:18	hats 123:17	Heigle
103:4, 24	168:24	202:5	Haynsworth	247:22
gradual	170:25	206:21	4:20 7:6	248:4
183:2	189:2	211:10	head 11:19	Heit 17:3

DEPOSITION OF DUKES SCOTT

November 7, 2018

309

held 35:17	holding	284:11	imparted	64:25
help 13:14	207:9, 9	ideas 230:7	245:13	173:20
14:1	home 285:12	identifi...	important	190:6
helped	honest	68:23	11:17, 21	267:8
181:10	245:21, 25	73:16	40:13 57:1	268:1
helpful	246:2	75:17	58:12	imprudence
57:10	Hood 2:6 8:7	111:19	60:12 62:3	59:7, 25
hereinbe...	hope 190:17	116:4	62:6, 13	60:1, 2, 18
286:7	214:6	127:11	66:18, 20	imprudent
hereto	248:11	176:1	68:9, 11	58:9 81:14
286:16, 18	280:19	186:5	78:10	in-person
Hey 33:3	hopefully	189:7	82:13 83:5	40:16, 19
156:6	227:14	191:16	106:20	40:22
high 272:7	hoping 82:15	198:17	117:16	248:10
higher 272:5	hotel 252:12	202:4	118:5	inaccurate
Hill 3:10	hour 217:5	206:20	171:15, 18	236:16
Hinson 6:8	hours 165:4	211:9	171:20, 25	inactive
6:13, 20	165:7	217:21	213:5, 7, 9	49:19, 20
110:22	house 38:21	223:22	219:6	incentivize
111:4	39:22	229:22	225:18	55:10
112:2	40:23, 25	232:2	246:21	56:20 57:8
206:23, 25	41:16 42:3	236:1	improve	58:12, 15
207:3	43:14	identified	180:13	incentiv...
224:4	232:10	59:23	187:15	57:13
236:4	242:7, 8, 10	203:24	188:15	inception
262:13, 14	242:10	204:2	204:2	182:11
262:19, 22	Hudson	identify	213:12	include
262:22	151:12	128:2	214:7, 23	30:14
hire 50:25	194:18	132:23	improved	67:15 68:3
52:3, 8	200:21	imagine	187:25	94:23
72:2, 19, 25	201:16	113:13	214:4	208:15
73:5	huh-uh 11:19	immaterial	216:2, 14	258:13
hired 51:21	hurt 242:14	185:23	272:13	262:23
71:25	242:23	186:1	277:24	272:17
92:13, 16		immediately	improvement	included
92:17, 18	I	43:3 67:2	212:19, 25	86:4 111:7
historic	ice 102:14	impact 12:23	213:8, 15	129:8
259:22	idea 83:9	81:22 82:7	214:10	146:23
historical	92:12	83:8	215:17, 24	163:8
278:8	141:14	200:10	improvem...	227:24
historic...	142:3	204:3	180:16, 20	269:23
278:6	157:20, 24	impacting	181:1, 7	273:5
HODGES 3:12	159:4, 5	17:18, 21	183:2, 8	includes
hold 60:17	182:19	18:5	216:21	190:3
246:11	213:10	impacts	imprudence	including
265:22	214:10	276:1	61:10	40:11 89:5

DEPOSITION OF DUKES SCOTT

November 7, 2018

310

89:16	233:8, 9, 17	information	174:4, 11	254:5, 9, 12
90:24	indicated	22:23	174:14, 16	254:21
111:23	17:20	28:19 31:1	175:16, 20	255:1
205:12	123:12	54:11	176:11, 15	258:1
inconsis...	173:4	76:10, 14	176:19	263:4, 13
229:16, 18	193:2	77:10, 12	177:3, 14	264:12
Incorpor...	224:7	79:9 80:5	177:24, 25	271:21
7:11, 13	233:14	85:25	178:16, 16	280:11
increase	234:4	86:19 87:8	178:23	282:4
214:8	indicates	92:5, 20, 21	179:2, 3, 7	283:17
227:10	77:15	93:1, 16, 20	179:8, 9, 15	284:1, 7, 17
228:23	179:15	93:22 96:5	180:5, 6	informed
246:17	181:23	96:9, 15, 21	183:20	24:1 29:22
278:12, 16	207:2	97:1, 3, 8	186:10	30:6 47:5
increased	232:17	97:14 98:7	188:20, 24	50:13
203:25	indicating	98:14, 18	191:9	79:20
209:21	32:21	106:20	195:3	117:23
214:1	45:11	107:3, 25	196:25	120:3
268:15, 25	indication	108:15, 23	197:11	122:22
278:2	171:2	114:4, 8, 11	201:19	123:4
incurred	indirect	114:16, 22	202:15	124:3
62:8, 15	114:17	122:8	203:17	126:19
63:9 64:24	indirectly	126:1, 7, 8	204:18, 23	128:14
68:1	164:5, 7	128:14	205:2, 12	139:10, 19
independent	individual	134:14	210:11, 14	142:10, 21
79:4	123:12, 15	136:7, 15	212:2, 13	143:22
115:12	123:17	136:17, 25	218:9	145:11
117:5, 15	individuals	137:1, 10	219:12, 18	150:12
118:14	96:4	137:12, 15	220:1, 4, 14	153:11
120:4	110:25	137:25	220:23	166:11
122:1	124:21	150:20, 24	221:2	187:22
137:15	128:8	154:11, 23	223:2	188:6, 11
157:11	257:10	155:2	224:11, 12	194:1
158:11	Industry	160:23	224:15	208:9
159:6	39:21	161:5	225:12, 19	219:2
209:18	inform 48:18	163:9, 10	225:23, 25	225:21
210:4	49:2 79:22	164:16, 17	226:17	236:10
221:21, 22	117:12	164:21	237:16, 19	243:1, 19
239:11	128:8	165:14	238:13	informing
255:18	142:12	167:18	239:12, 16	24:17
independ...	153:2	168:6, 9, 21	239:20	50:18
198:12	179:2	169:2, 13	241:5, 11	124:1
209:15, 16	185:3	171:4	241:13, 21	144:17
INDEX 5:9	201:23	172:5, 13	242:19	187:13
indicate	216:1	172:17, 18	244:4	212:10, 17
199:17	220:4	173:25	245:15	216:3, 6

DEPOSITION OF DUKES SCOTT

November 7, 2018

311

inherently 84:5	219:17	22:14,17	68:12,14	151:22
initial 58:7	intent 121:25	26:14,17	83:1	issue 42:18
91:18	intentio... 98:6,13,15	28:8	Investor 230:3	46:18
221:25	98:19 99:3	107:22,23	investors 83:3,5	53:11,22
243:2	interacted 112:20	116:14	invitees 112:4	54:15
275:5	interacting 140:1	129:12	invoiced 234:7	56:18 65:8
input 19:24	195:2	133:9,23	invoke 73:7	103:25
20:2 38:10	interaction 95:11	143:18,19	invoked 72:6	110:9
38:12	124:20	249:22	73:5,9	169:1
115:25	interest 25:4 28:15	252:22	involved 22:5 25:2	177:5
133:8,12	28:20,24	Interrog... 19:24	31:12,24	178:15
133:18	29:1,5,12	115:15	37:22	185:7
208:1	30:2,11	116:12,16	40:11 59:7	193:7
275:16	31:3	116:23	69:8 74:6	196:9
inquire 234:13	188:13	123:10	74:16 75:7	201:18,20
inquiry 103:8	205:14	129:13	75:9 76:12	201:22,23
inside 72:19	206:5	interrupted 46:25	76:16,19	209:14
insignif... 119:13,16	231:11,13	222:3	81:18 82:4	212:16
inspecting 190:25	237:12,14	interrup... 33:2	82:6 83:18	223:4,9
instance 94:13 98:3	237:15,18	Interrup... 248:16	92:19 93:1	231:25
99:2 109:8	237:20,21	interval 109:21	93:3,5,9	239:10
113:17	237:24	intervened 150:9	108:14	259:18,22
174:9	273:5,15	Intervenor 1:15	147:20	260:6
284:1	273:16	interview 279:5,9	151:3	issued 107:18,21
instruct 25:11	interested 150:4	introduce 7:20	161:21	140:22
153:15	286:17	invest 55:11	162:19	143:18,20
instruction 12:8 42:20	interesting 267:11	238:3	177:22	146:19,22
integrated 193:14	interests 270:13	investigate 85:2,23	178:7,10	147:1,6
194:4	internal 244:11	93:17	189:24	167:17
198:2	internet 19:5	investig... 84:14	202:19	169:7,8
integrity 55:24 56:5	interpose 25:1	investing 55:17	228:3	176:11,19
58:17	Interrog... 5:16 19:20	investment 62:23,25	255:12	issues 23:7
205:18	22:9,10,11	67:22	274:17	30:22
238:2,10			involvement 38:1,9	40:13 56:3
intended 80:9			69:11	58:4,5
			involving 232:5	66:16 83:6
			Iris 6:15	83:8 91:8
			229:24,25	93:5,10
			Island	103:12
				109:6
				112:13,15
				113:17
				128:23
				129:3
				133:5

DEPOSITION OF DUKES SCOTT

November 7, 2018

312

163:6	112:2	John 3:5	208:1	158:21, 22
173:1	218:3	33:1	211:12, 14	keep 55:19
177:8	224:5	join 36:8	212:10	55:20
208:14, 15	262:6	joined 12:19	214:12, 15	100:5
210:19, 23	263:1, 2	32:25	215:8, 12	125:10
211:1	264:13	36:15	215:22	169:19
222:18, 19	James 73:20	37:13, 17	216:9	208:9
222:25	75:21 77:1	Jon 8:23	222:9	219:2
223:14	94:19, 21	10:18	228:11	225:21
226:13	134:11	223:13	229:12	Ken 262:6
228:14, 16	161:25	Jones 6:10	251:19	263:1, 2
230:14	195:9	9:19, 25	277:22	Kenny 110:19
237:5, 10	James ' 94:22	10:5 71:23	Jones ' 95:24	112:2
259:15	January 5:10	71:25	219:25	218:3
260:9	20:19, 23	72:14, 25	221:1	224:5
261:21	20:25 21:2	73:5, 20	JR 4:2, 7	264:12
284:24	21:3, 10, 12	74:17	Judge 35:19	Kevin 3:21
issuing	21:19, 25	75:22 77:1	37:3, 5	8:13 109:9
164:15	24:20	92:18 95:3	265:6	110:17
item 67:24	28:14	95:23, 24	judgments	199:7
129:8, 14	29:14, 23	97:20 98:3	136:9	key 179:21
133:4, 10	30:5 31:13	98:9 117:3	Judiciary	179:23
136:16	33:6 36:10	117:11, 22	38:6	keys 268:8
items 133:21	37:20	118:5, 18	Judy 46:4	Kiawah 74:18
136:22	49:14, 19	118:23	Julia 3:6	151:22
227:11	49:24 52:5	119:4, 10	8:21	152:4, 9
258:13	230:20	119:12, 21	July 36:25	251:20
261:24	255:16	119:24	37:11, 13	252:6
	264:24, 25	120:1, 3, 6	163:17	kind 13:9
J	284:21	120:9, 19	202:24	22:8 29:24
J 4:7	Jeff 234:9	120:20, 24	June 5:22	41:17 49:8
Jack 142:11	Jessica 2:3	121:5, 8, 15	6:14 37:8	210:14
142:22	8:3 253:11	121:24	37:9 225:5	240:23
143:22	Jimmy 229:24	122:7	jurisdic...	241:15, 18
144:18	230:1, 3	127:23	273:25	242:18
145:9	262:12	128:2, 5	274:2, 4, 5	250:18
153:3, 11	job 72:14	131:8, 9, 10	274:6	251:13
153:23	126:3	131:13, 21	justify	252:12
154:2, 5, 12	136:10, 10	132:3, 10	55:17	266:6
154:16	164:3	132:19, 22	231:5	279:8
155:10, 19	186:2, 3	132:25		280:2
160:11	219:16, 23	140:8	K	283:20
Jackson 2:10	238:1, 1	151:9, 18	K 2:22	kinds 60:6
6:12	jobs 55:23	152:5	Katherine	276:17
110:19	205:17	161:22	156:22, 25	King 2:18
111:4	238:11	180:25	157:2	3:6 8:22

DEPOSITION OF DUKES SCOTT

November 7, 2018

313

8:23	24:14	82:24 83:5	133:20	172:1,20
Kingstree	25:24 26:4	83:7,8	134:11	172:23
4:3	27:13 28:1	84:1 86:13	135:5,18	173:7,18
knew 13:1	28:7,9,12	86:19 88:3	136:6,8,8	174:24
30:10,10	28:18,19	88:10,13	136:23,24	175:12,13
42:13	29:2,9	89:13,13	137:3,7,9	175:18
48:21	30:10	89:19 90:4	137:19,20	176:16,21
79:13,16	31:18 32:9	90:15,16	137:20	177:6,7,9
79:17	32:18,18	90:17	138:8,18	177:19,23
80:10,17	32:20,22	91:15	138:25	178:2,3,6
88:1 93:21	33:18,19	93:20 94:2	139:5,12	178:22
94:3,15	33:21	95:2,18,19	139:23,25	180:23,24
96:9,10	34:11,12	96:8 97:17	141:9,24	181:6,10
118:6	34:14,15	100:9	142:7,20	181:16
123:2	34:25 38:3	102:14	144:1,2	182:1,8,11
126:8	38:23 39:3	103:1,12	147:3,13	183:10,10
160:4,6	39:5,9,24	103:13,13	148:11,13	183:12,13
168:14,15	41:15 42:1	105:20	148:22,24	183:25
170:3,4,20	42:3,13,22	106:11,25	151:24,25	184:1,7,18
172:5,6,8	44:17 45:3	107:11	152:1,8,21	184:19,20
174:19	46:9,11,15	108:3	153:5,5,6	185:10,11
180:24	46:16	109:1	153:8,15	185:12,14
182:8,16	47:16,17	110:7,12	153:17	185:25
183:21	47:22,24	110:13	154:22	186:23
205:9,9,12	49:14,15	112:23	155:1,5,6	187:4
207:13	51:12 52:5	113:4	155:24	188:11
210:16	52:14 53:5	115:1,14	156:10,12	190:9
221:6	53:23 54:7	117:17,19	156:14,19	191:13,13
225:3	54:15,20	117:20	156:19	194:7,23
228:20	56:11	118:2,19	157:7,19	194:24
229:3,7	57:20 58:3	118:22	157:25	196:17
231:20	58:14	119:19	158:1,6,9	198:9,20
255:23	59:17,18	120:1,10	158:18,24	198:23
278:8	59:19 60:3	120:11	159:1,1,1	199:15
know 9:11	60:7,9,20	122:17,18	160:6,7	200:14,19
12:24,25	61:7 63:21	124:18,23	162:2,12	201:22
12:25 13:2	65:9 66:22	125:1,3,13	163:14,22	202:2,21
13:18,25	67:1,8,9	125:15,18	164:1,9	203:14,21
15:8,22,23	70:1,17,22	125:24,25	165:21	203:23
16:23 17:9	70:24 71:7	126:9,14	166:8,20	204:4,5,8
17:16,19	71:8 72:10	126:15,17	167:10	204:9,21
18:1,9,9	73:7,9,14	126:24	168:3,16	206:25
18:22	74:19 78:7	127:1,7	168:22	207:6,7,8
19:21	78:25	131:2	169:24,25	209:10,12
20:17 22:7	81:17,24	132:8,12	170:4	210:13
24:12,13	82:11,18	133:17,19	171:13	214:14,25

DEPOSITION OF DUKES SCOTT

November 7, 2018

314

215:8,10	259:23	243:1,18	169:22,22	learned
215:12,16	260:16	247:19	LARs 260:11	28:18
216:19	261:9	258:20,22	late 68:20	87:11 96:5
218:12	262:5	259:2	88:3	113:11
219:6,10	269:3	282:3	134:19	117:3,12
219:11	273:14,21	286:9	139:8	122:18
221:20	274:6	knowledg...	175:5,21	128:12
222:6,10	275:3,4,7	280:16	210:2	132:19
225:4,6	276:4,7,10	known 125:22	243:16	133:8
228:11,14	276:22,25	126:3	244:10	142:19
228:19	277:9,17	156:22,24	law 2:3,15	204:7,9
229:9,15	277:22	169:4	2:23 3:9	220:5
229:25	278:7,17	179:17	8:4 35:10	221:10,17
230:1	278:18,19	180:18	35:14,19	221:25
231:23	278:20	182:13,18	36:12,14	leave 21:2
232:15	279:3,10	183:11	37:3,4	39:15
233:7	279:22,23	189:18,23	73:9	49:23 50:1
234:20,20	280:2	190:2	190:21	118:4,23
234:21,21	281:25	204:3	253:12	124:13
235:21,22	284:5,9,10	207:20	265:6	185:8
236:17	284:20	226:14	270:17	234:17
237:1	knowing 13:2	260:15	285:8,8	leaving
239:13	120:2	knows 34:10	lawyer 83:14	28:13
241:9,16	124:18,22	34:11	156:22	LeBRIAN 1:5
241:25	125:23	72:11	166:22	led 37:23
242:1,22	182:15	149:4	222:11	38:11 45:5
245:8	knowledge	Knox 151:17	234:3	51:10,15
247:24	19:22	Koons 38:8	263:20	54:4,7
248:9,11	51:25	Kyle 257:5	285:1	70:4
248:11,14	77:23,24	257:15	lawyers 9:1	133:21
249:10,18	126:10		20:8,11	232:13
250:23	137:17,21	L	192:20	Lee 57:4
251:8	150:20	L 1:22 4:23	LCI 39:18,20	left 24:16
252:10,11	154:13	286:4,23	45:22	36:21
252:15	158:17	L.L.P 2:18	LEA 3:9	42:12
253:13	176:9	labeled	lead 45:16	43:14
254:2,24	177:4	123:17	55:11	53:17
255:4,10	178:12,18	labor 39:21	leader 235:1	165:12
255:25	194:24	188:15	League 27:15	238:7
256:9,11	200:15,17	209:21	27:16,17	254:17
257:13,14	202:9	lack 241:2	Leah 3:9	264:24,25
257:14	203:15	LAFFITTE	8:19	265:5
258:6,8,8	209:19	3:21	learn 122:19	279:12
258:8,9,11	210:4	larger	125:14,15	legal 7:9
258:19	227:17,18	135:15	172:4	9:4 122:23
259:10,11	239:4,24	largest	182:9	legislation

DEPOSITION OF DUKES SCOTT

November 7, 2018

315

37:23 38:2	199:6,12	100:25	258:14	169:5,18
38:11	199:13,16	101:5,14	260:8,10	170:16
266:23	199:20	102:7,19	life 70:9	172:10,21
267:10	200:1,2,4	103:14	light 92:7	174:22
legislative	200:5,6,6	104:3	93:15	191:3
45:18	200:10,11	105:16	152:25	194:6
let's 35:6	201:17	113:14	198:7	195:11,15
65:1	206:22	114:1,19	Lightsey 1:5	200:12
101:16,18	207:2,15	118:11	2:22 4:6	205:5
139:1	207:21	181:4,10	5:4 7:15	210:20
145:15	208:18	181:16	7:24,24	213:17
179:11	209:4,6,9	182:14	8:12,16	214:24
181:18	209:11,18	188:18	9:5,12	217:4,8
182:23	209:21	194:15	19:15	220:6
217:3	210:4,7,19	211:25	24:25 25:9	222:22
282:12	212:5	212:1	31:4,8,22	240:5
letter 6:4,8	213:3	219:13,17	52:10,12	241:7
6:12,13,18	218:3,11	224:4	52:23	243:9,15
6:20 75:24	218:19,21	225:1,11	59:16 61:6	244:1,8,17
76:6,8	218:24	226:5,8	61:17,20	244:24
77:14,20	219:1	235:19	72:8 77:21	245:6,11
78:14,16	221:8,9,19	236:7	78:20 79:6	245:18
78:23,24	221:21,22	237:3	82:10	246:24
79:22	222:14,16	250:23	83:24	247:2
97:13,14	224:8,9,11	251:2	89:18 90:1	280:18
100:11	224:13,17	259:14	93:25	283:9
102:15	225:1,15	261:10,17	105:7	284:8
103:3,10	226:24	261:18,20	115:4,19	287:2
105:19	232:6,14	261:25	117:18	liked 214:9
106:12	232:16,23	263:22,25	118:3	Limehouse
130:9,11	232:24	264:5,11	119:14	100:19
130:15,18	233:1,8,13	269:16	121:20	103:18
130:20	235:14,16	282:4	122:9,16	limit 12:3
131:3,6,24	235:18	level 187:15	124:8	14:23
136:7,23	236:3,6,11	214:1	126:13,21	254:21
181:11	236:12,15	223:10,12	134:2,9	limited
194:17	236:19,24	258:19	136:4	30:15
195:12,21	237:4	262:17	142:23	219:14
195:25	251:4	263:20	144:20	limiting
196:4,5,6	255:16	272:5	149:23	255:1
196:10,13	261:20,22	levels 272:7	150:15	line 10:1
196:15,19	261:23	LEWIS 2:18	153:13	40:3 63:9
196:23	letters	License	159:24	67:24
197:3,5,8	97:12 98:5	260:11,25	160:13	70:17
197:12,14	98:17	261:1	165:16	73:21
198:19	99:25	licensing	166:4	205:22

DEPOSITION OF DUKES SCOTT

November 7, 2018

316

281:16	65:4 72:18	232:16	247:24	50:7
287:10,11	76:15 78:9	273:21,23	248:1	majority
287:12,13	81:8,20	looked 19:23		262:18
287:14,15	84:3 88:11	59:3	M	making 50:14
287:16,17	88:24 89:1	225:20	ma'am 254:13	74:18
287:18,19	89:5 91:19	looking 60:3	255:10,15	208:10
287:20,21	266:19	86:16	255:20	213:11,11
liquidated	267:21	195:12,13	256:7,15	251:19
268:13,18	273:9	195:19	256:18,22	257:8
268:24	loaded	196:7	256:24	man 170:24
269:1,3	276:16,18	216:18	257:7,24	management
275:10	location 7:6	looks 209:20	258:3,16	173:12
list 13:6,12	locker 99:17	235:21	259:17	266:2
42:4	logical 70:9	257:25	260:7	manager
101:13	long 15:24	lose 41:17	261:3,15	95:10
136:22	18:14	lost 235:1	262:4,9	230:3
180:14	36:18 37:4	279:14	263:6,9,11	233:25
191:5	39:3 57:24	280:2,4	263:19	257:21
listen 74:22	58:3,3	lot 23:7	264:8,23	mandatory
listened	59:4 63:8	46:13,20	265:9,15	56:16
9:17,20	63:17,19	110:21	268:11,15	manifest
listening	81:2 83:5	120:15	268:20	78:13
9:22,23	83:18 84:2	121:12	269:15	manifested
10:1,6,7	131:6	124:12	270:6,10	214:4
listing	174:15	134:15	270:20,23	manual
261:23	191:4,5	142:14	271:1,11	114:21,25
lists 179:20	218:16	154:8	271:13	March 5:11
little 11:10	242:20	158:13	272:14	6:10,18
15:16	254:14	163:5	273:25	74:8,14
16:22 65:1	260:5	187:18	274:4,10	144:9
78:17	long-term	206:7,7	274:13,16	175:9,12
176:25	250:15	214:11,12	274:19,22	175:14,15
217:5	longer	265:9,10	275:3,20	194:17
265:5	195:22	lots 66:17	278:13	195:18,21
280:4	256:12	love 104:8	279:2,7	196:4,10
live-str...	Lonnie 199:6	low 203:24	282:6	200:2,4
19:5	look 21:7	204:5	Madame 10:10	201:12
lived 18:14	79:1	lower 79:14	main 3:2,10	211:14,17
LLC 2:9 3:9	116:19,21	lowest 57:9	3:13,17	228:18
3:21 69:24	179:11	Lucas 40:3	4:21 7:7	Margaret
LLP 3:6,16	181:18	lunch 10:6	57:16	5:18
load 55:5,8	182:23	101:17	maintain	258:10
55:12,18	189:3	115:3	46:20 56:5	marked 68:22
56:1 57:14	194:13	156:18	58:17	68:25
58:13 59:3	212:9	157:2,7,9	238:2,3	73:15,18
60:4,14	213:22	247:22,23	maintained	75:16

DEPOSITION OF DUKES SCOTT

November 7, 2018

317

111:18,21	McMaster	132:25	270:9,10	112:9
116:3,5	100:18	134:10,15	270:17	181:2
127:10,13	102:8,24	135:6,17	273:21	188:15
175:25	104:5	136:5,8,8	275:3	230:17
176:2	mean 9:6,7	137:3	278:23	meeting 5:14
186:4,6	21:24	151:24	279:13	22:9,23
189:6,8	22:10	153:25	280:4,12	25:20
191:15,18	27:12,13	154:7,17	283:21	26:19,21
198:16,18	27:13 32:9	154:18	284:24	26:23,25
202:3,5	37:11 39:5	158:20	285:7	27:7,9,23
206:19	39:6,24,25	163:17,18	meaning 79:5	40:15,16
211:8,10	40:10	163:20,25	132:7	40:19,22
217:20,24	41:12,15	164:9	means 52:15	41:20
223:21,24	41:25 42:4	165:5	124:10	57:25
229:21	42:10 43:4	167:13	136:16	109:11,24
232:1,4	44:24 45:3	176:16	262:1	110:2,3,10
235:25	45:3,21	184:18	meant 62:24	110:16
255:14	46:19	185:9	182:6	112:5,17
256:14	47:21,23	187:10,18	214:11,12	127:4
270:19	48:1,21	188:2	measures	129:24
Marsh 109:9	49:3 50:11	192:12,23	204:1,3	130:21,22
109:16,18	50:16,23	192:24	269:18	130:23
109:25	51:8,12	196:21,22	media 101:20	131:12,18
110:3,8,17	54:19 56:9	198:22	102:1	131:21,22
199:7	58:5 63:19	207:18	161:17	132:9,14
240:18	64:14	209:16	217:12,18	134:13
261:20	66:16 69:9	211:23	Medical 17:4	136:6
material	74:5 75:12	212:15	17:7	137:2
96:18	78:25 83:6	215:10	medication	140:7
122:7	84:1 89:15	218:16,16	12:23	143:2
matter 7:15	90:7 91:4	219:22	13:16,22	146:17
9:14 20:6	92:11 94:1	222:16	14:19 15:7	147:1
51:22,24	94:2 96:9	223:8	15:10,21	148:5,19
281:6	99:1 103:5	224:25	17:17,21	148:20,25
matters 51:1	106:22	225:14	17:23 18:4	151:15,18
139:2	110:21	226:15	18:7	152:3,5,9
140:2	112:22	227:3,13	medications	153:14,22
188:21,25	113:13	228:13	12:24 13:3	157:7,7,17
189:12	118:22,23	231:23	13:5 16:25	158:16,23
286:9	120:8	240:23	17:11	159:3
Matthew	123:23	249:19	medicine	161:20,23
19:14	125:19	250:4	13:8,8,18	162:1,6
Mcgowan 2:6	126:22,23	251:15	13:19	166:10
8:7	127:25	255:11	15:25 16:1	209:13
McGuire	128:5	265:20	meet 38:16	215:23
135:12	129:24	266:11	43:1 79:15	222:5,7

DEPOSITION OF DUKES SCOTT

November 7, 2018

318

233:21,23	158:2,3,6	161:22,25	263:7	38:19 39:8
234:4,8,12	218:11	162:5	281:3	106:8,14
247:21,22	232:10	165:10	mentioning	138:15
247:23,25	257:22	170:24	23:1	139:9,19
248:24	members 20:9	200:16	159:21	140:1,6
249:1,4,21	20:14,25	201:5,6,8	242:25	141:11
249:23	42:3 102:7	215:3	merge 101:13	142:9,20
250:6,7,14	107:12	229:20	messages	143:21
250:16,18	156:17	234:24	262:8,23	145:17
252:6	162:25	246:2	met 10:19	147:20
259:7	209:4	248:12,13	38:17 39:1	149:7,21
261:12,23	230:11,18	248:25	39:4 43:7	152:6
269:23	254:15	249:16	43:8 97:15	153:11,22
meetings	257:1,10	250:3,4	97:16,16	153:22
93:4,7	261:6	254:3	97:24	154:6,10
97:20	281:20	268:22	109:8	154:15
99:16	memories	mental 46:3	110:24	155:9,13
107:7	141:20	46:18	113:4	155:16,25
108:6,10	memory 12:23	mention	151:21	156:1,6
108:12	17:18,22	103:25	152:11	160:11
109:13,13	20:16,17	142:25	183:23	161:21
109:16,18	23:2,3,4	157:3	184:16,21	165:9
109:22	23:11,13	158:10,13	185:5,20	167:22
112:25	23:18 24:1	159:8	216:15	168:20
113:3,5,7	24:6,6	176:24	221:7	169:12
113:11	34:19,20	mentioned	methodology	172:8
131:15	35:5 82:22	23:9 32:22	57:10	174:20
132:3,15	85:7 97:7	95:5,12	69:15,20	249:10
132:18	109:17	138:11,14	70:7,18	251:3,4
140:11,14	129:17	142:16	Metts 4:13	milestones
146:7	130:2	148:14	7:9	276:24
152:4,8	132:2,14	152:18	MICHAEL 2:15	mince 39:9
165:12	132:16	155:22	Michelle	mind 46:14
195:24	138:12,18	157:9	258:9	46:21
250:17	139:7,15	169:9	Mid 154:3	55:19,21
269:21	141:11	214:14	mid-Dece...	57:11,19
member 20:18	142:9,20	216:18,19	50:4	57:21
21:13,20	143:8	225:8	midst 191:12	121:13
48:12	146:5,6,7	246:25	Mike 22:1,6	148:1
104:5	146:12,14	247:14,21	23:6,20	169:19
106:2	146:14	248:7,21	24:2,15,17	222:20
107:10	149:1,5	248:22	26:8,9	223:1
141:23	152:15,19	249:15	31:13,16	mine 38:21
142:1,3	153:2	250:21	32:1,3	143:9
156:20	154:1	251:19	33:21 38:4	minute 75:3
157:14,15	155:19	262:13	38:15,16	240:7

DEPOSITION OF DUKES SCOTT

November 7, 2018

319

missed 77:5	162:10,17	272:7	23:5 64:13	55:25 56:1
87:3	162:24,25	278:4	64:15 88:2	79:15 94:4
mission	163:2,23	Moody 3:9,9	111:2	109:24
55:21 56:2	164:13	8:19,19	114:6	112:14
79:10	169:15,20	morning	132:15	126:6
80:10 86:1	190:21	10:18 13:4	162:17	137:5
92:6	219:16,24	15:12	189:19	150:24
205:13	273:3,14	16:11,11	219:21	171:4
missions	monitored	move 146:4	236:25	174:10
270:4	92:25	178:19	258:10	201:23
Mister 92:16	monitoring	moving	260:3	206:9
121:4	86:5,21	227:24	270:7	215:25
Mitch 36:22	87:5,12,22	MULLINS 3:16	282:3	216:2,14
36:22	92:11 96:2	multiple	necessary	216:20,20
111:10,22	124:13	14:6	9:10,13	222:13
112:4	134:4,5	mutual	55:11 56:6	235:9
265:2	162:20	154:20	60:13 94:8	264:2
285:1,3,7	163:8	155:7	103:8	280:11
285:8	164:14		113:9	negative
Mitchell	191:6,8	N	136:15	125:4
5:14	202:11	N.E 3:7	160:23	negatives
mitigation	month 101:3	name 7:9	209:22	90:7
274:11	109:12	10:18,20	287:7	negotiat...
modifica...	month's	15:8 17:2	need 9:21	31:20
59:6 64:11	184:10	70:1 222:6	11:10,24	274:17
91:13	monthly 96:9	247:10	41:17 44:2	neither
114:15	97:10,16	253:11	49:8 56:7	111:13
220:13	97:20,24	257:15	65:14	286:14
225:5	97:25 98:1	named 92:17	70:14	Nelson 3:16
modifica...	101:1,4	234:11	103:25	234:9,19
64:24 92:1	102:6	286:7	153:13	never 29:17
modified	113:23	names 13:15	161:5	34:22
190:4	114:14	15:23	173:24	46:22 59:8
Modular 88:2	140:8	Nancy 38:8	174:4,14	59:20,22
module	146:7	Nanette 3:1	205:1	60:4,8
259:19	184:2,9	8:1 19:15	221:14	85:13
moments	194:21	31:20 32:8	241:11	103:1
253:16	195:23	112:1	254:11	116:11
money 256:2	198:13	narrative	255:12	121:12
256:7	201:7	108:1	264:4,16	127:25
monitor 87:4	225:13,24	narrow	needed 14:21	157:9
92:8,22	225:25	280:11	14:22 40:5	168:5
94:18 95:4	249:4	nature	44:22	171:1,7
125:10	months 183:9	158:15	47:10	174:13
133:25	183:23	247:12	50:20	176:8
136:2	184:16	necessarily	55:14,17	177:20

DEPOSITION OF DUKES SCOTT

November 7, 2018

320

187:10	133:5	217:12,18	169:5,18	106:15
200:15,17	notes 99:15	242:24	170:16	observation
219:10	noting	257:3,7	172:10,21	213:25
235:3	235:20	258:12	174:22	observing
239:24,25	notwiths...	259:13	191:3	259:15
241:1	47:2 231:3	263:3	194:6	obtain
255:10	231:19	273:1	200:12	209:22
260:15	November	281:25	205:5	obviously
285:4	1:20 4:22	numbers	210:20	196:22
new 6:16	7:2 101:25	244:19	213:17	209:16
55:12,18	132:10	245:3	214:24	210:3
57:14	133:6		220:6	occasions
58:13	161:15	<hr/> O <hr/>	222:22	167:16
60:14	217:17	Oak 2:13	241:6	occurred
94:25	238:20,23	oath 286:11	243:4,13	51:6
195:6	286:6,19	object 25:3	243:23	131:20
219:5	287:4	25:10	244:5,14	140:9,20
news 42:14	NRC 78:8	31:23,24	244:23	152:4
nice 46:15	260:19,21	52:10,23	245:4,9,16	158:15
night 14:23	nuclear 6:16	59:16 61:6	254:23	172:6
14:24 15:3	18:21	61:17,20	257:12	209:24
15:3	21:21 22:2	72:8 77:21	265:14,19	Oconee 135:2
nine 67:10	30:24	78:20 79:6	267:14	135:3
116:8,21	31:14 33:7	82:10	268:10	October 5:19
NND 5:20,21	55:15 56:3	83:24	275:24	5:19
9:6 163:16	56:6,12	89:18 90:1	276:6,13	122:14
192:19	65:5 73:25	93:25	277:16	123:1,10
195:4	76:11,15	105:7	279:16	126:19
No.19 235:25	85:16 86:4	115:19,20	280:18,23	127:5,7
nod 11:18	88:8 92:14	117:18	284:8	129:9
nodded 32:16	94:25	118:3	objected	130:3,14
150:16	134:20	119:14	198:13	130:18,24
non-field	167:12	121:20	241:12	130:24
114:21,25	195:6	122:9,16	objecting	131:1,1,19
normal 71:17	274:8	124:8	25:6 52:12	132:1,1,7
North 2:4	275:22	126:13,21	objection	133:25
4:21 56:13	number 7:17	134:2,9	25:1	143:5
56:14 57:3	27:11	136:4	objections	173:10
82:23	101:20	142:23	117:2	210:17
135:5	102:2	144:20	obligation	219:5
Notary 1:24	161:10,17	149:23	220:4,9,10	225:6
4:23 286:4	165:3	150:15	obligations	227:21
286:23	180:15	153:14	88:7 99:11	239:1
note 128:22	187:6,7	159:24	99:20,24	256:16,20
noted 128:23	208:21	160:13	104:25	268:23
129:3	212:21	165:16	105:24	odd 169:12

DEPOSITION OF DUKES SCOTT

November 7, 2018

321

169:24	234:10	35:3 38:25	190:18	178:22
170:2, 6	offices	41:7, 19	191:17	267:18, 23
Off-the-...	151:17	44:16 48:1	193:11, 17	280:5
223:15, 18	official	54:2, 21	193:19, 23	one's 236:4
253:6	129:19	56:24	193:24	ones 100:3
offensive	officially	60:23	195:10, 19	235:9
254:6, 7	21:10	63:13 65:1	199:25	264:2
offer 42:23	oh 17:1	66:22	203:7	ongoing
44:2	27:10	68:24 69:1	207:13, 17	18:25 86:5
office 1:14	34:18	74:25 75:3	211:10	197:15
2:21 3:1, 9	39:17 45:7	75:25 77:2	212:6	202:25
4:8 6:1, 5	48:3 54:1	77:3, 5, 7	213:22	220:17
6:17 7:25	62:11	77:19	217:3, 23	open 170:10
8:2 9:19	69:17 77:2	78:15	218:3	256:6
9:25, 25	77:5	84:25	226:10	openness
10:5 12:2	109:20	98:21	227:17	84:4
20:3 25:18	112:12	104:2	235:23	242:20
25:22	129:4	107:25	237:2	operating
28:21 29:5	130:20, 25	110:7	240:1	260:18, 25
29:13, 25	157:22	111:15, 20	246:24	261:1
30:7, 11	167:3	115:2	255:4	operations
35:16 37:7	193:19, 23	116:5, 22	256:6, 10	155:2
37:8, 23	195:19	118:9	259:13	opinion
38:5, 12	212:24	119:3	270:15	64:14, 14
39:15 41:3	249:11	121:14	271:5	268:7, 13
41:8 42:12	250:9	123:25	273:1	opportunity
42:23	260:3, 25	127:18	276:10, 22	36:24
43:11, 11	262:4	128:19	277:1	56:16
43:12, 15	265:15	141:1	278:24	58:16
43:16	269:5	147:19	282:15, 25	112:13
49:10, 16	273:11	149:20	283:3	opposed
50:2, 8, 14	275:20	153:21	old 17:24	218:11
50:20, 24	277:11	156:13	on-site	optimism
51:7, 10, 15	282:8	159:19	107:7	213:14
51:20 52:3	okay 9:9, 15	164:22	127:6	optimistic
52:8, 20	9:15 10:9	166:14	129:18, 19	214:22
53:17	11:15, 21	168:24	129:24, 25	option
66:11 70:4	12:6, 11, 17	169:12	on-time	226:25
71:9, 13, 20	16:24 17:6	173:23	203:1	228:4
84:20	17:11 18:8	176:2, 22	once 15:11	231:6, 13
101:9	19:13	177:10	41:16	274:21
122:23	21:17 23:3	179:1, 11	58:20	oral 11:18
162:21	25:9 26:2	179:13	62:15	23:18, 22
178:14	26:6 28:6	181:14, 19	101:3	144:14
203:9	28:11 32:5	187:3	159:10	146:10
205:2	34:6, 22	188:5	170:9, 9	149:11

DEPOSITION OF DUKES SCOTT

November 7, 2018

322

166:1	31:24	147:6	237:4,16	86:9,14,23
orally 43:21	37:11,13	151:21	238:7,14	92:7 93:15
108:24	39:12	160:18,22	239:13,21	135:22,24
109:1	45:21 48:8	160:24	240:14,22	136:1,13
order 55:14	49:14	162:9,24	241:5,20	173:16
57:5 63:18	69:14,23	163:1	242:19	202:11
63:20 64:6	70:12,24	165:13	243:1,11	206:11
64:8,11,15	72:5,18	167:17	243:19	208:15
64:16,17	73:4,5	168:23	244:20	226:12
64:19 65:3	79:10,17	170:20	245:8,13	267:2
65:4,8,10	84:12,24	171:2,4	250:22	ORS/ 178:8
65:15,16	84:25 85:7	175:20	251:16	ORS/NND
65:22,25	86:19 87:6	176:11,19	252:2	271:2,6
66:3,6,12	87:7,7	189:21	254:16,22	outset 59:1
66:15,18	88:15,17	190:4,11	255:17	outside 20:8
66:23 67:2	89:2 90:18	190:19	256:20	20:11
67:2,6,17	90:20 91:2	192:1,3	257:1	25:15
67:21,25	91:6,19,22	193:6,14	258:17,23	27:25 28:7
68:2,6	92:2,8,13	194:1,20	259:3,15	28:12 51:1
81:8,10	93:24	195:10,21	264:21	51:21
83:2,11,11	94:14 99:6	196:5	265:7,25	71:10
91:19	99:20,24	197:1,6,7	266:8,14	72:19
99:21	101:15	200:10	270:3	90:18 91:2
216:14	103:21,21	201:17	273:2,17	103:11
267:21	106:19	202:24	274:7,11	111:7,10
ordered	107:2,6,9	203:17	274:14,17	140:16
242:8	107:14,18	204:19	274:20	151:19
orders 64:10	107:21	205:13	275:9	249:21
64:12,22	108:5,9	207:13	276:11	250:1
64:23	110:15	208:14,24	277:3,5,7	overall
66:17	112:10,19	209:4,8	277:8,14	117:5,16
original	113:10,16	211:2,3	277:20	118:15
64:15	114:3	213:14	278:5	120:4
83:10	115:11,16	214:20	279:1,8	186:2
267:20	117:2,24	215:13	280:16	205:22
originally	127:3,20	216:23	283:18	206:8
92:17	129:8,15	220:3	284:2,17	284:23
ORS 5:19,20	133:14,17	221:6,17	284:20,23	overly-o...
5:21 6:8	133:22	222:12	285:5	208:16
6:12,13,20	134:15	223:6,8	ORS's 5:15	209:1
9:10 19:20	136:3,14	224:18	20:22 31:2	overruns
20:9 21:4	136:16	227:18,19	55:21	224:20
21:11	137:22,25	230:17,24	70:20	oversee
24:16 25:2	139:20	233:10,12	75:11,19	134:8
26:17	145:4	233:17	76:22	164:4,5,7
28:15 31:3	146:19,25	236:10,11	80:10 86:4	overseeing

DEPOSITION OF DUKES SCOTT

November 7, 2018

323

136:3	287:12,13	235:10	partner	222:6
oversight	287:14,15	250:20	285:8	231:8
72:6 86:18	287:16,17	251:2	party 85:8	242:25
86:23	287:18,19	267:8,9	pass 42:16	247:15,16
94:17	287:20,21	parte 219:15	passage 55:7	247:17
oversight's	pages 179:11	226:4	81:18 82:5	249:11,12
86:20	paid 71:19	participate	passed 68:16	257:3,7
Owned 1:11	252:2	85:12,15	250:12	281:9
owner 266:24	panel 40:24	85:18,20	passing 82:7	PERC 102:15
267:3,5,8	40:25	195:23	83:17,18	102:20
owner's	242:7	particip...	path 227:14	103:4,14
158:8	pants 56:3	84:20	276:24	104:3
198:6	paper 44:23	85:13	Patrick 2:9	105:16
278:18,22	48:21	123:13	41:5	106:3
owners 24:3	160:15	127:21,23	pay 72:3	163:5,10
owns 207:10	paragraph	128:1	payback	164:17
207:10	123:19	particip...	31:21	181:12
	193:13,18	84:21,23	paying 185:1	212:1
	193:19,21	84:24	pays 71:16	225:13,16
	197:25	particip...	275:17	225:19,24
P	200:22	9:6 230:5	Peachtree	226:3,4,8
P.A 4:2,20	204:12	particular	3:7	232:11
p.m 285:19	212:9	14:19	pedestrian	236:20
P.O 2:16 4:9	213:19,22	29:10	252:13	237:3
page 42:14	213:23,24	71:19	pendency	percent
73:18	221:24	74:20 76:2	267:3	227:7
75:20	272:15,16	76:3 112:7	pending 12:1	percentage
116:8,19	parameters	130:7	18:19	114:9
116:21	189:24	133:4	51:22,24	percentages
127:13,15	parent	177:1	139:2	114:11
127:19	212:12	178:12	188:21	perform
128:19	part 11:8	186:12,19	189:1,12	117:5,15
179:14,20	47:13 59:9	192:11	225:3,4	118:14
181:18	64:25 72:9	235:18	237:6	120:4,20
182:23	78:8 80:13	264:10	people 9:1	121:10
186:24	82:24	278:20	19:11	122:1
187:1	84:21	particul...	27:11	performance
189:4	86:14	23:6 101:2	32:10 60:5	113:17,21
193:9	93:12	144:4	66:20	113:23
197:17	96:11	150:3	81:12	183:23
203:4,6	99:19	196:25	97:12	204:6
204:10	131:17	197:6	101:12	performed
208:21	132:6,16	parties	110:11	122:14
232:22	135:7	30:12,14	111:22	123:5
270:25	194:8,11	190:3	151:11	125:2
271:20	223:8	286:16	169:21	period
272:11				
287:10,11				

DEPOSITION OF DUKES SCOTT

November 7, 2018

324

140:9	perspective	144:12, 21	86:6	170:21, 23
145:14	239:17	144:24	play 59:18	171:9, 15
183:3	Perspect...	place 57:24	played 40:13	171:18, 20
184:3, 11	6:16	99:19	pleadings	171:25
219:7	pertinent	151:16	19:16	172:7
251:1	94:3	177:2	Pleas 1:1	179:17
260:1, 5	petition	248:15, 17	7:18	182:20
265:1	65:4 68:3	places 22:6	please 7:20	191:22
285:9	175:8, 15	235:6	10:11, 20	250:25
periodic...	203:24	252:13	52:18 54:2	254:3
17:12	278:11, 15	plain 266:24	108:8	267:11
49:25	278:21	plaintiff	122:3	268:24
154:12	PF 181:23	8:4, 7	145:6	269:23
Perkins	182:1, 4, 6	253:13	178:24	272:3
135:10	182:25	Plaintiffs	197:4	279:15, 17
person 9:5	272:18	1:8 2:2	206:14	280:13
10:1 38:24	Phil 198:19	7:15	208:20	281:4, 9, 12
149:21	198:20	plan 212:19	212:20	281:21, 23
286:7	PHILLIP 1:5	212:25	218:22	pointed
personal	phone 9:1	235:11	221:13	209:20
7:23 38:20	physical	242:4	232:20	points 78:22
40:11	40:12 46:3	280:3, 5	271:4	79:25 80:2
157:6	46:18	281:5	point 16:2	114:10
158:15	physician	plan-of- ...	23:8, 24, 25	164:20
258:20, 21	16:24 17:2	123:11	24:2, 3, 18	207:20
259:2	pick 251:10	127:4	30:6 31:17	policy 78:4
282:3	251:11, 14	planning	33:15 38:6	politica...
personally	picked	213:11	42:8, 25	149:21
25:21	100:22, 22	235:5	44:8, 18	poor 278:6, 8
70:23	123:17	plans 83:20	45:2, 15	portion
108:22	piece 56:19	198:6	46:12 53:8	210:22, 25
110:13	58:11 62:3	213:11, 11	61:1 98:6	227:12
118:20	pile 63:24	235:7	103:19	246:7, 9, 15
134:4	piling 68:13	plant 55:15	129:20	246:17
137:11, 14	pill 13:17	56:7 57:4	134:12	portions
150:19	13:23 14:1	63:4 70:9	141:13	9:20
163:2	15:14, 18	80:19, 22	142:13, 24	position
192:8, 8	16:3, 4, 4, 9	81:2, 15	143:1	31:2 37:9
202:18	16:14, 18	83:19, 21	146:2, 10	37:16
216:8	pills 14:5	84:2 135:4	146:11	50:10
244:16	16:19	135:9	149:10, 13	95:21
247:18	Pinefield	167:12	152:13	96:13
personnel	18:13	274:8	156:23	206:6
97:2 108:6	pink 16:14	275:22	165:8	210:10
108:10, 19	pinpoint	plants 56:12	166:2, 12	269:7
113:10	26:2	74:1 82:22	166:14	283:17

DEPOSITION OF DUKES SCOTT

November 7, 2018

325

positions	222:9	80:21 81:1	248:20	198:25, 25
35:17, 25	234:9	precise	252:21, 23	199:1
36:5	248:23	138:20	252:24	press 5:10
positive	249:5	precisely	presenta...	44:18 69:2
125:5	254:15, 20	26:3 65:2	5:11 23:25	69:5, 10, 13
126:5	278:25	predated	24:3, 7, 19	73:13
210:18	279:9, 14	24:23	73:22, 24	240:11
214:20	281:7	preliminary	74:4, 7, 12	255:17
possession	Powell's	239:3	74:17 75:1	pressure
99:11	24:22 95:8	premises	146:11	13:8, 18, 22
104:22, 24	146:8	215:6	149:11, 11	15:25 16:6
105:23	power 8:14	preparation	149:14, 18	pretty 14:7
106:15	23:24, 25	69:8 75:8	152:10, 14	23:21
168:18	24:3, 18	76:20	166:11, 12	27:19 38:7
264:6, 17	73:25	202:19	166:14	50:1 66:18
276:11, 15	146:10	prepare	167:6, 6	157:8
276:19	149:10	226:20	168:3, 5, 6	167:23
277:14	152:13	prepared	168:9, 13	prevent
279:5, 8	166:1, 12	76:19 98:3	168:22	17:13
possibility	166:14	192:19	170:13, 21	previous
228:20	170:21, 22	224:3, 5	170:23	64:17
possible	171:9	236:6	171:9	81:10
183:21	172:7	preparing	172:7	272:7
Powell 5:11	274:8	76:12, 16	174:20	previously
6:18 23:16	275:22	218:7	179:15, 20	54:5 156:7
23:20 24:1	281:4, 9, 12	preponde...	183:7	193:20
24:17	281:21, 23	173:20	239:2	214:2, 5
73:20	powerful	267:7	251:20, 25	239:21
75:21 77:1	167:23	prescribed	252:1	price 57:9
95:3, 5	practice	13:18 14:9	257:9	210:22, 25
103:9	17:6 36:22	14:10, 18	259:11	226:25
128:6	265:2	15:9, 20	281:5, 9, 13	227:10, 11
133:1	practiced	16:25	281:21, 23	227:16
146:8	36:13, 14	prescrip...	presenta...	228:4, 9
147:21	285:7	14:20, 21	23:23	231:6, 12
148:6	pre 64:6	prescrip...	257:8	246:11, 15
149:3	pre-cons...	13:20	presented	246:17
151:4, 6	57:23	presence	189:16	274:21
152:12	59:13	248:22	221:25	primarily
161:22	60:11 61:4	present 4:12	presently	86:9
166:10	61:16	25:8 33:7	80:2	264:13
167:1	62:16	135:18	preserve	primary
168:4, 14	80:13, 17	143:15	103:8	86:13
168:21	81:22 82:9	152:11	president	prior 35:16
170:14	pre-prud...	173:10	156:23	56:17
208:1	60:17	248:15, 18	159:17	63:10 64:2

DEPOSITION OF DUKES SCOTT

November 7, 2018

326

109:18	problem	160:19	progress	111:2,17
122:21,25	259:21	184:16	57:6	112:14
123:1	problems	production	133:25	113:19
160:5	203:18	5:17	194:22	114:9,17
184:3,10	259:18	216:21	209:24	115:13
194:20	proceeding	278:3	214:2	117:16
199:23	19:5 20:20	productive	project	118:15
283:25	62:7 63:15	46:5,6	18:21 19:2	119:5
privilege	67:4,6,14	182:2	21:22 22:2	122:2,8,15
25:4,11	256:5,9	184:2	30:24	122:24
31:25	proceedings	216:19	31:14 33:8	123:5,13
147:17	4:6 9:4	producti...	51:2 63:24	123:21
privileged	11:6 18:17	79:14	64:9 65:5	124:6
54:10	18:19 19:7	113:18,23	72:7 73:6	125:2,3
166:18	19:10	114:4	79:14 82:2	126:12
probably	20:10,19	180:12,21	85:17 86:4	132:4
21:1 24:13	21:14 62:3	181:1,7,21	86:7 87:12	133:25
26:23	62:14,20	182:2,5,6	87:22 88:8	134:20,24
42:14	63:7,14	182:10,11	89:11	135:21,25
46:17	68:9 71:2	182:20	90:13 91:8	136:3,16
53:13 58:6	71:4,5	183:8	92:2,9,11	137:16
98:20	85:15	184:10,16	92:15,20	139:11,21
102:13	90:10	185:4,19	93:2,6,10	140:3,8,15
105:17	91:22,25	187:15,23	93:19	144:6
124:22	94:13	187:25	94:24	150:5
125:13,14	115:17	188:8,16	95:16,25	151:19
130:17	226:19	203:24	96:3,6	152:6,22
132:6	process 78:9	204:2,5,13	97:4 98:7	152:24
143:17	133:13,14	206:16	98:14,22	154:12
148:23	176:10	209:21	99:4,10	156:17
184:13	177:2,13	212:18,24	100:8,12	157:3
185:9	177:17,23	213:8,12	102:9,25	160:5,24
197:13	178:5,6	214:8,23	103:18,19	161:6
204:8	218:6,16	215:14,16	103:22	162:11,20
205:8	230:9,9	215:18,21	104:6,10	162:24
207:8,22	236:7,9	215:25	104:12,15	163:1,3,23
207:23,25	260:21	216:1,14	104:18,21	164:13,19
215:10	266:18	222:20	105:11	169:16
217:10	produce	225:9	106:9,21	171:3
222:9,10	147:2,7,10	271:15,22	107:3	175:5,10
225:7,15	167:12	271:23	108:7,11	182:5,12
231:1	242:9	272:4,6,13	108:16,19	182:20
234:2,6	produced	277:24	108:25	190:21
262:9,12	242:9	278:5,8	109:6,10	198:14
262:25	product	program 21:9	109:19	202:12
probe 146:3	73:11	95:9	110:20	203:11,14

DEPOSITION OF DUKES SCOTT

November 7, 2018

327

203:18	projects	74:13 79:3	72:5,16,17	36:24 37:1
204:1	135:14	81:19 96:8	73:4,5	39:7 45:23
205:15,22	157:10	115:16,25	85:9 90:19	48:12,15
205:24,25	235:5	171:9	226:4	48:19,24
209:23	promised	172:7	246:5	51:22,24
210:12	184:15	174:20	268:14	56:7 57:2
214:19,23	185:4,19	175:20	provisions	58:1 59:13
215:23	prompted	177:14,24	70:25 71:8	60:10,20
216:15	28:8 40:15	178:17	71:12 72:1	65:3,7,11
220:5	40:22	179:7	210:18	65:18
222:5	41:24	180:5,11	269:13	67:13
223:1	pronounce	180:19	prudence	70:13
229:5,8,14	69:25 70:1	181:8	56:18,21	75:24
230:7,9,25	proof 59:5	188:9	57:23 58:8	83:20
231:22	267:19,20	191:24	58:20,25	84:16 85:4
234:14,23	proposed	192:1	59:14	88:19 89:5
237:17	84:16 85:4	197:1,7	60:12 61:3	90:23
238:13,18	88:19 89:4	202:10,15	61:4,9,16	127:8
251:3	90:23	209:12	61:22	152:20,21
253:21,22	266:19	211:14,22	62:17 64:1	156:12
253:24	267:9	220:1,13	68:5 80:14	171:1,7
256:1	271:15,21	221:2	80:18	172:3,19
258:18,25	prosecution	230:6	81:23 82:9	172:23
259:16,22	9:14	239:2	267:19,24	174:16
260:10,13	prove 60:2	241:5,21	prudent 58:1	200:22
260:15	61:3	244:12,20	62:16 64:9	202:10,16
261:6	provide	254:10	64:20	205:13
265:13,18	19:24 47:9	255:24	65:12,19	206:4
265:22	58:15	270:17	80:24	226:5
266:2	87:25	277:4,5,6	173:6,17	231:11,13
267:3	94:17 96:5	277:8,12	prudently	237:14,15
269:17	96:14 97:9	283:18	83:10	237:18,20
273:4,9	97:13	provides	PSC 4:6 8:17	237:21,24
274:12,15	114:4	80:7	9:14 63:10	242:11
275:21	122:7	providing	91:2	264:12,21
276:12,16	172:18	54:10	115:17	273:5,16
276:18	192:3,8	164:16,18	244:21	286:4,23
277:5,8,20	202:18	164:20	250:9	publish 77:8
278:6,10	211:18	219:12	public 1:24	77:10
280:10	219:19	220:24	4:23 18:20	pure 266:3
projected	225:18	225:16,23	18:25	purports
78:17	provided	225:24	19:17	186:21
278:15	20:2 24:2	239:2	21:14	purpose 16:8
projections	56:20	254:21	35:21 36:4	53:20
175:5	68:11	258:1	36:6,8,15	60:11
244:12	73:12 74:7	provision	36:19,21	111:16

DEPOSITION OF DUKES SCOTT

November 7, 2018

328

112:7,16	112:21,25	274:6	67:19,24	65:16,22
132:18	113:5	questioning	69:15,20	66:3,6,12
234:12	152:8	233:4	70:7,18	66:15,21
249:1	190:24	questions	71:1,4	106:23
250:6	191:23	11:7,8,18	85:14	122:4
pursuant	202:13	12:10 60:6	88:23 91:3	123:14
70:25	question	150:13	91:14	129:12
pursue 206:9	11:13,14	191:5	163:18,19	131:5
pursuing	12:1,11,13	234:15,18	262:15	133:11
212:13	12:15	240:2,6	ratepayers	143:1,3
pushed 211:6	33:13 45:9	242:24	237:13	144:15
211:7	49:11	246:25	rates 57:1	160:15
pushing	52:13,17	247:12	58:17	179:19
266:16	52:18 54:2	253:15	60:24 62:2	183:5
put 29:2	57:21 60:7	263:3	62:7,13,19	187:8
49:20	62:10	273:2	62:22 63:1	189:19,25
75:14,19	76:13	282:23	63:7,14,15	192:13,14
76:4 79:19	81:17	283:1,9	67:3,14	193:25
98:8 99:19	98:12	284:10,12	68:8 83:22	198:22
103:13	104:22	285:11,13	84:16 85:3	212:5
164:2	105:5	285:14	88:19 89:4	213:3
173:8	106:22	quick 54:22	90:22	226:21
181:5	115:21	101:17	91:22	239:24
202:23	116:10	quit 46:18	209:22	250:3
209:17	119:1	46:19	256:2	272:19,23
210:7	125:21	quite 39:14	ratio 114:22	287:7,9
218:9	129:13,15	40:8	ratios	reading 83:4
224:8	133:9	quote 69:11	114:17	89:7 129:1
236:22	139:19		re-basel...	192:17
246:19	146:24	R	191:12,14	224:17
251:4	155:22	race 102:12	194:2	reads 83:4
putting	167:22	102:12	197:15,18	ready 101:17
16:18	174:6,24	raise 55:15	197:22	real 22:7
75:25 77:4	184:4	57:8 58:16	201:13	36:13,13
	186:24	raised 53:10	re-evaluate	101:17
Q	187:6,7	53:22	198:6	real-time
quality	194:11	54:16	re-litigate	243:11
258:14	197:4	60:18	60:22	realize
quarter 6:2	204:16	232:17	reach 12:9	205:8
6:7 193:16	208:22,23	244:25	reached	realized
194:4,9	208:24	raising	190:11	126:5
197:17,23	221:15	59:25 60:1	200:11	183:2
quarterly	228:12	ran 22:6	reaction	209:23
87:16,23	232:17	rarely 214:6	125:16	272:6
88:5,14	233:2,10	rate 57:7,10	242:12	really 38:8
107:16	272:3	67:6,7,15	read 65:15	158:12

DEPOSITION OF DUKES SCOTT

November 7, 2018

329

203:8	76:3, 6, 8	241:18	199:15, 19	217:14, 17
247:12	98:22 99:2	242:1	280:22	223:16, 20
270:1	103:15	245:19	receiving	247:3, 7
reappointed	104:3	254:19, 25	114:16, 22	253:4, 8
21:10	113:2, 10	255:11	194:21	282:16
reason 13:3	113:16	256:23	196:19	285:18
18:4 32:18	114:12, 16	262:18	201:19	286:13
64:4, 5	114:20, 22	263:18	recess 54:25	records
112:24	117:13	265:25	101:23	190:25
113:1	120:12	266:7	115:7	recount
117:9	121:6, 15	283:10, 20	161:13	255:9
121:18, 19	121:24	284:15	217:15	recounted
121:22	122:5	recalled	247:5	283:10
123:22	124:1, 3	24:16	282:18	recover 62:8
170:11	125:23	recalling	recipients	62:15, 21
183:13	129:23	23:14	112:1	62:25
240:24	130:10	67:24	recollec...	67:21, 25
reasonable	131:7	146:17	103:3, 6	82:8, 21
58:17	144:17	recanted	140:18	recovery
173:6, 17	145:17	46:22	157:18	63:16
184:18	147:25	receipt	162:8	68:11
265:23	148:20, 21	198:5	182:15	82:25, 25
reasons 9:23	151:2, 15	receive	239:9	reduced
Rebecca 1:22	153:10, 21	113:22	recommen...	286:11
4:23 7:12	158:7	137:6	46:23 88:1	reduces 79:5
286:4, 23	164:12	194:3	recommen...	refer 27:4, 5
287:5	165:17, 18	195:2	84:15 85:2	referenced
recall 18:5	174:1, 11	215:13	85:23	254:20
22:13 23:1	174:17	256:25	88:18 89:3	257:4
23:14, 14	181:12	received	89:24 90:9	referred
23:15	185:18, 21	65:3 98:2	90:11, 21	131:5
26:10	187:21	98:21 99:4	91:7 93:18	280:3
31:17 32:5	188:2, 5, 10	107:9, 15	208:10	referring
32:24 33:6	188:17	108:18, 23	recommen...	48:5 89:20
33:9 34:3	196:9, 19	109:1	76:21	91:11, 12
35:1, 4	196:21, 23	137:8	record 7:2	130:15
42:9, 10, 18	198:12	154:10	7:21 9:22	251:5
43:25	199:12, 13	155:10	10:3, 20	276:18
48:17	216:3, 6	175:16, 20	11:2, 3, 5	284:6
50:22	230:5, 12	178:23	21:8 54:23	refinement
54:13, 17	232:3, 14	179:3	55:2	222:13
57:17	233:4, 7, 20	182:17	101:22, 25	reflect
70:21	234:12, 25	184:2, 9	106:23	203:20, 22
73:11	235:4, 16	186:19	115:5, 9	reflected
74:25 75:7	235:18	196:24	122:4	227:21
75:9 76:2	240:17	197:5	161:12, 15	reflecting

DEPOSITION OF DUKES SCOTT

November 7, 2018

330

184:9	194:21	29:13,25	94:23	73:13
reflects	201:13	30:8,12	95:16,25	240:11
203:17	203:18	35:17	96:5 97:3	255:17
272:5	210:11	37:24	98:7,14	releases
refund 83:22	220:5	38:12	99:10	69:10
84:8	224:19	39:15	100:8,12	relevant
refused	232:18	49:10,17	102:24	190:23
176:20	233:5	50:2,9,14	104:10,11	222:21
regard 99:14	238:13	50:20,24	104:17,21	reliability
258:18	258:24	51:7,10,16	105:11	222:19
266:1	265:13,18	51:21 52:3	106:9	reliable
277:4	285:4	52:8,21	108:15	238:4
282:20	regardless	53:17	109:6	relied 71:14
regarding	237:25	66:12 70:4	112:14	128:2,8
20:10	258:12	71:9,13,20	113:17	216:9
21:14	266:25	72:2 78:4	114:4,16	rely 179:5
24:19 27:1	register	84:20	122:8	relying
31:1,14	120:14,16	101:9	137:25	132:22
33:7 74:8	149:6	162:21	140:3,15	remain 57:24
87:21	regular	178:14	150:9	59:14
98:22 99:4	33:10	203:10	172:8	61:16 80:3
102:9	71:18	205:3	180:1	99:22
104:6	87:18 93:4	230:9	188:21,25	remainder
108:19,24	108:5,9	234:10	189:12	37:10
109:19	109:13,15	262:15,16	191:9	remained
110:19	109:21	Regulato...	202:11	37:19
114:8,11	112:4	6:5	222:25	remains
116:16	114:13	reject 44:4	237:16	266:24
119:5	131:12,14	rejected	239:16	remember
121:25	140:15	275:8	284:7	13:2,15
126:11	regularly	rel 4:6 8:17	286:15	15:17
129:14	109:8,11	relate 64:13	relates	16:13 18:2
132:10	109:11	64:15	182:5	20:18
136:16	110:20	76:14	Relations	21:18,23
150:13,20	112:10	241:3	230:4	21:24 22:6
152:6	131:10	280:14	relation...	34:7 41:9
154:11	140:2	related	38:15 39:1	48:10 49:7
160:24	regulation	18:20 19:1	39:6,10	50:16,18
161:5	154:23	19:21	125:12	51:25 74:5
164:18	regulatory	21:21 22:1	154:6	74:6,15,16
168:6,9,21	1:14 2:21	22:24 51:1	167:10	74:18,20
169:13	3:1 6:1,17	64:16	208:11	74:21,24
174:14	7:25 8:2	76:10 78:3	283:22	75:6 82:18
175:21	12:2 20:3	85:16 88:8	284:23,25	92:10
177:3	25:18,22	89:11 92:2	release 5:10	104:7
192:5	28:21 29:6	92:20 93:1	69:2,5,13	106:5

DEPOSITION OF DUKES SCOTT

November 7, 2018

331

109:12	12:11	173:15	reports	110:3
113:20	report 6:2, 7	174:5, 9, 11	69:13	136:20, 22
119:11	22:16, 18	174:21	87:16	137:10
130:12	22:24 23:1	176:24	98:21 99:4	146:20, 22
132:5	23:9, 18, 22	191:23	99:5 107:9	147:1, 7
139:14	71:19 87:7	192:25	107:11, 15	160:19
146:9	87:21, 24	193:5, 6	108:18, 20	169:2, 8, 8
148:18	88:2, 14, 16	194:16	108:22	176:19
157:1, 13	107:16	202:10, 14	113:22	179:8
181:5, 9, 17	114:6, 7	202:20	163:4, 6	186:10
183:14, 16	127:8	211:13	176:24	188:21, 25
187:12, 13	130:6	230:16	184:2, 9	190:22
187:17, 19	131:7, 10	238:18, 21	190:24	211:18
188:19	138:14	238:24	192:14, 17	225:5
198:15, 24	140:21, 24	239:6, 12	192:22	228:3
199:3, 21	140:25	239:15, 16	193:14	270:22, 24
200:16	141:3, 5, 8	239:20, 24	215:13, 17	271:2, 6, 12
201:11, 14	141:12, 15	242:2, 3, 9	represent	271:14, 20
205:16	141:17	243:3, 11	247:11	272:2
212:16	142:10, 13	243:21	253:12	requested
215:11	142:15, 16	248:9, 22	represen...	106:23
229:18	142:17, 21	249:17	198:1	110:12, 14
231:7, 25	143:7, 23	reported	269:8	110:16
233:23	144:19	1:22	represen...	122:4
241:17	145:5, 9, 12	134:12	110:15	227:20
242:3, 5	145:19, 22	163:16	232:6, 9	263:10, 13
245:22, 23	146:20, 23	164:9, 10	233:24	requests
245:24	147:2, 3, 8	203:16	234:1, 2	5:16, 17
248:17	147:9	215:8	represen...	107:18, 25
251:24	148:4	reporter	27:17	164:15
252:1, 2, 2	149:4, 8, 12	1:23 4:24	112:11	167:18
253:18, 18	149:14, 17	7:11 10:10	140:7	176:11, 15
254:10	150:13	11:4, 9	232:11	177:3, 5, 8
259:9	152:14	53:1	249:9	177:11, 21
260:2, 5	153:4, 12	REPORTER'S	represented	177:22, 25
262:20	153:24	286:3	158:22	178:16, 22
263:12	155:10, 14	reporting	187:14	179:3
264:9	155:17, 20	87:6, 9, 14	represen...	180:6
283:13	156:2, 7	87:19 88:5	7:10 8:10	191:1
284:13	159:10, 22	88:7, 12	8:24 12:6	255:8
removed	160:4, 7, 11	89:14, 17	285:2	260:12
133:6, 10	162:6, 7	89:20, 23	represents	263:4
133:21	165:10, 21	90:15, 16	159:15	require
repeat 52:18	167:5	90:17 91:2	request 5:20	43:20 44:3
197:4	168:3, 21	113:10	5:21 42:7	72:2 83:22
rephrase	172:9	163:5, 5, 10	109:25	84:7 275:9

DEPOSITION OF DUKES SCOTT

November 7, 2018

332

275:13	resolved	178:17, 23	49:18	72:18
required	196:11	179:3, 8	50:12	75:23
84:5 85:12	226:24	180:5, 8	192:17	76:15 78:9
requirement	resolving	186:9, 24	195:1	81:8 82:9
87:9, 19	210:18	187:7	246:11	84:3, 14
88:12 91:2	237:10	228:13	267:4, 6	85:1, 22
99:21	resource	241:16, 17	268:4	88:11, 24
requirem...	276:16, 18	241:18	responsive	89:1, 6
190:7	resources	272:10	200:23	91:19
198:7	55:11	283:9	201:3	92:23
reschedule	respect	responses	rest 158:17	93:17
198:6	47:25	11:18	250:10	97:13, 14
residence	84:15 85:3	19:22, 25	result 45:17	97:18 98:5
18:12	88:18 89:4	115:16	126:2	101:15
resign 39:19	90:22 91:8	116:2, 12	190:5	106:19
40:1, 3	99:24	116:13, 16	resulted	114:1, 18
41:11, 14	133:14	responsi...	278:15	118:10
41:17, 24	154:9, 21	266:25	results	122:23
42:4, 21, 23	155:7	responsi...	87:22	123:21
43:22 45:6	206:7, 8	49:16	125:15	130:8, 10
45:12, 14	respected	84:11	133:11	130:13
45:16	208:12	94:23 95:8	155:17	131:24
46:23 47:3	respond	95:16, 25	239:3	136:7
48:9, 13, 16	145:23	190:20	retain 264:1	173:22
48:20 49:3	176:20	270:4	retained	177:14
49:8	241:14	273:3	50:10	178:10
resignation	responded	responsi...	retention	189:20
42:18, 24	76:5	50:7 87:14	238:1	190:22
43:17 44:2	176:14	87:17, 21	retired 17:4	191:8, 23
44:10, 19	284:12	88:13	21:9	191:24
44:25	responding	89:24	128:17	193:13, 22
45:13	201:9	90:21 91:6	170:24	202:13
resignat...	responds	93:24 94:5	retirement	211:21
44:3	152:12	94:11, 14	21:4, 6, 8	212:2
resigned	response	95:1, 2, 18	return 57:5	218:22
42:2	23:9	96:11	83:1	226:21
resisted	116:23	136:14	reveal	251:1
240:19, 20	123:10	172:16	215:17	266:20
240:23	129:15	189:20	revelation	267:21
resolution	133:22	265:12, 17	280:3	273:9
206:16	146:8, 13	265:21	review 6:1, 6	reviewed
237:12	148:11	266:8, 9, 16	45:24 55:5	19:16, 19
resolve	150:19	267:1	55:8 56:1	19:22 20:5
173:1	169:10	273:8, 12	56:7, 17	92:24
210:22	176:17	273:13, 22	59:3 60:4	180:5
237:5	177:24	responsible	62:17 65:4	186:19

DEPOSITION OF DUKES SCOTT

November 7, 2018

333

189:15	37:14	112:11	192:6	254:16
192:20	38:18,19	118:16	193:9	255:6,6,19
197:2	39:11,13	119:6,13	195:24	256:16
207:19	40:3 43:18	120:18	197:3,21	257:3
259:13	47:4,15	121:11	197:23	258:2,15
277:7	49:1 50:4	122:12	198:8	260:24
reviewing	53:16 55:8	123:6	199:6,8,23	262:25
177:22,24	55:13	126:12	200:2	263:8,21
191:1	56:22 58:2	128:4,10	201:19,25	264:7
reviews	58:19,21	128:11	202:12,15	266:6,10
198:14	60:8 61:5	129:16	202:16	269:25
revised 57:1	63:4 64:3	130:4	203:2,19	270:5
57:10	65:13	131:16	204:24	271:8,10
60:24 62:2	66:22	132:20	206:25	271:16,18
62:6,13,19	67:18 68:6	135:16,23	207:13	271:25
62:22 63:1	68:15,17	136:17	208:17	272:22
63:6,14,15	68:20 69:3	138:15	210:12,16	274:3
67:3,6,14	69:16 75:8	139:2	210:19	279:11
68:8 69:15	75:25 76:1	140:3,4,12	211:16	282:4
69:20 70:7	76:7,12,17	144:6,10	213:16	283:11,14
70:18	77:11,14	145:15	215:18	283:23
91:14,22	77:17	146:21	216:25	284:7,18
175:4	78:13,14	147:19,22	218:4	284:22
179:21,23	78:18	149:15,22	219:20	rights
193:14	79:18,24	150:5	220:20,22	190:19
194:3	80:4 81:1	152:7,12	220:25	268:18
198:2	81:16	157:21	221:7,12	RILEY 3:16
243:12	84:10 86:7	158:7,8	222:13,17	rise 223:10
256:2	86:12 87:7	159:6,16	224:13,16	227:20
revisited	88:20	159:23	227:1,22	risk 181:2
58:21 59:1	89:17	162:11	228:1,4	202:25
Rice 257:5	91:19 92:9	164:24	229:5,8	211:5,6
Richard 1:5	92:13,15	165:10	231:9,12	228:8
7:15	92:20	167:21	231:19	229:1,2
Richardson	93:10,11	168:2	232:13	231:20,24
2:9,9 8:11	93:13,19	170:20	233:18	risks 230:13
8:11 19:15	94:9,17,19	171:5,25	236:13,20	231:4
right 10:9	94:20	173:2	237:6,17	Rivers 17:4
11:17,23	95:13 96:4	175:2,11	238:12,15	17:6,8
12:8 13:19	96:19,24	183:15	239:19,22	Road 18:13
13:24 18:3	97:6,10,21	185:24	240:16	ROBINSON
21:4 22:12	100:14	187:2	242:1	3:21
24:4,19	107:4,19	188:22	247:1	Rock 3:10
32:13	108:16,19	189:1,13	248:2,12	Roderick 6:4
34:16	109:15	190:7	248:24	198:20,21
36:16 37:6	111:1	191:2	251:17,17	199:1

DEPOSITION OF DUKES SCOTT

November 7, 2018

334

role 35:16	250:17	197:20	277:11	160:19
40:13 50:8	Sargent 43:5	198:4	280:5	164:21
84:11	sat 209:10	201:9, 21	281:17, 20	167:11, 14
86:18	save 70:7, 10	201:21, 21	SCANA's	167:20
87:12	70:10	204:16, 16	109:4	168:7, 11
136:13	256:2	209:2	SCARBOROUGH	170:9, 10
150:3	saved 256:7	212:15, 25	3:16	170:12, 15
162:13	saw 50:19	213:19, 19	scared 60:19	171:22
roles 37:1	114:11	213:20	SCE&G 8:20	172:2, 12
room 151:6, 7	115:15	214:9, 15	8:22, 24	172:18, 22
151:8	190:9	214:15, 16	19:20	172:25
Rosenberg	238:17	221:21	22:11, 12	173:5, 16
258:9	242:12	233:3	26:14, 17	175:6, 8, 16
rosy 244:19	261:10	256:22	46:10, 10	175:19
routine	274:22, 23	257:16, 25	47:14, 25	176:12, 14
177:21	280:5	272:1, 9, 11	52:9, 22	176:20, 20
rule 178:10	saying 22:13	272:24, 25	53:9, 10, 25	180:12
219:15	60:8, 21	SC 2:4, 7, 10	54:6, 16	187:22, 24
260:19	70:14 75:5	2:13, 16, 19	65:2 70:6	188:6, 6, 11
rules 11:1	88:16	2:24 3:2	70:14 91:4	188:12, 13
12:3	90:25	3:10, 13, 17	93:4, 7, 16	190:6
run 39:7	108:17	3:22 4:3, 9	99:25	193:2, 14
runner 251:9	118:17, 17	scan 262:3	100:4	194:3, 8
251:10, 13	136:24	SCANA 1:11	103:21	198:1, 5, 12
running	168:22	1:11, 19	107:15	200:23
134:16	185:23	3:4, 12 6:4	108:6, 10	201:2, 12
Rush 3:16	213:9	8:19, 22, 24	108:18, 20	203:23
8:9 247:10	229:19	24:10, 11	108:22, 23	206:6, 7
	239:19	24:18	109:9	207:10
S	254:14	47:25	111:7	208:9
S 4:3	255:1, 11	109:9	112:11	210:11
Sanctuary	272:2, 15	110:11	115:12	211:25
252:9, 15	277:2	125:12	117:4, 14	212:10
Santee 3:15	says 13:1	207:3, 6, 9	118:13	213:11
8:10 24:12	14:20, 21	207:10, 11	120:3, 19	218:24
104:9, 11	65:22, 22	207:12	120:19	219:1, 9, 13
104:14, 17	65:23	211:6, 6	121:9	227:6, 9, 19
104:24	82:12	218:20	125:1, 12	228:22, 24
142:1, 4	84:22 85:9	236:4, 8	127:4	229:1
154:4	117:1	242:22	129:12, 14	231:14
155:2	180:17	257:11, 23	136:17, 21	232:18
156:17, 20	181:12	258:7	137:12, 15	233:5, 14
169:19	189:5	262:11	137:23	233:25
242:8	193:13	266:8, 9, 9	138:1	237:5, 9
247:11, 14	194:10	266:12, 16	147:2, 7	240:18
247:16, 17	196:1	268:4, 17	149:10	241:5, 20

DEPOSITION OF DUKES SCOTT

November 7, 2018

335

241:24	schedule	221:7	259:13	116:1,23
242:17,17	57:25 58:6	222:5	264:20	117:7
243:1,17	63:9 80:25	school 35:10	267:17	123:9
243:18	81:3,6	35:14	282:22	129:5,15
244:10,18	83:19	36:12	283:7	179:14
246:6,10	86:11 87:1	scope 178:12	285:17	181:20,23
252:4	92:1 175:4	Scott 1:18	287:3	181:25
254:20	175:22	4:1,19 5:2	Scott's 7:23	183:4
255:8	190:5,5	5:12 7:5	scrubbed	185:7
257:10,23	191:12	10:13,18	243:2	186:25
258:18,24	193:13,15	10:21	scrubbing	193:12,24
261:5,7	193:22	12:22	243:22	194:18
262:3,10	194:2,4	18:11,16	second 5:16	200:7,25
263:10,12	195:3	29:21 33:5	5:16 35:6	213:18
264:6,17	197:15	35:6 55:4	88:6	216:17
265:12,17	198:3,8,14	66:4,19	107:13	222:2
266:1	201:7,13	69:6 73:17	117:1	232:7
268:3,17	201:18	76:25 82:4	127:15,19	246:22
269:8,14	204:6	89:23	143:19	251:19
269:18	208:16,25	101:21	161:20	258:4,7
271:23	216:25	102:3,5	174:9	263:19
272:3,11	221:12,18	111:20	181:24,25	270:22
272:15,17	221:25	112:2	193:12,18	272:11
273:7,17	222:13,18	115:11	193:19,19	seeing
273:20	222:25	116:6	193:21	114:12
274:2	223:3,11	122:13	195:19	183:14,16
275:1,9,13	224:20	125:21	196:6	199:12,13
275:19	225:8	127:12	197:17	242:1,4
277:10,11	227:20	133:24	200:6	256:23
277:15	244:11	146:24	208:21	seek 12:4
279:15	275:22	161:11,18	232:22	174:16
280:5,16	276:1,5,12	161:20	248:21	seeking 68:3
280:17,21	276:16,19	162:9	253:2	175:9
283:16	278:11,16	175:3	secret	seemingly
284:2,16	schedule...	176:4	226:16	214:4
285:2	195:23	178:11	secrets	seen 11:5
287:2	scheduled	182:1	226:13	26:18 29:1
SCE&G' 109:4	111:3	203:8	section 73:9	66:2 76:5
SCE&G's	130:23	217:13,19	85:7 88:21	116:11,13
99:21	175:10	217:23	88:25	144:15
121:25	schedules	218:21	128:20	155:13
122:23	79:15	221:16	see 12:8	162:7
171:10	197:19	224:1	38:4 44:4	176:6,8
191:1	276:17	240:2,7	74:2	186:15
202:13	scheduling	247:10	102:17	187:10,11
245:1	193:6	253:11	104:8	200:15,17

DEPOSITION OF DUKES SCOTT

November 7, 2018

336

202:8	106:10	89:17	26:16,17	49:21
218:1	107:23	seriousness	143:19,20	show 21:8
238:19,20	130:20	228:14,16	213:9	58:9 59:6
239:1	194:17	served 26:14	286:18	61:10,14
242:2	197:8	26:17	settle 161:5	64:24
281:21	198:19	185:16,23	settled 98:8	65:14
select 72:14	199:6	service 6:22	settlement	75:15
274:14	208:3,4	18:20 19:1	5:22 31:19	81:13
275:1,6,7	209:4,8	19:18	98:10	186:6
selected	218:14	21:15	139:1,8,18	206:21
72:15	224:13	35:22 36:4	139:23	221:13
Senate 38:6	235:15,19	36:6,8,15	141:22	267:7,25
152:25	236:8,13	36:19,21	160:25	showed 130:1
166:23	282:1	36:24 37:1	161:2	199:24
239:10	sentence	39:7 48:12	173:3,15	showing
Senator 41:9	79:25	48:16,19	189:11,15	61:12
send 100:11	117:1	48:24	189:21	184:2
100:25	123:9,15	51:22,24	190:3,18	199:22
105:21	129:1	56:8 58:1	204:19	shown 281:13
208:5	193:12,18	59:13	205:3	281:14
218:10,19	198:11	60:10,20	206:13	side 43:7
218:24,25	221:24	65:3,8,11	211:4	58:5 75:14
219:14	232:23	65:18	227:12	sidebar
224:7,9	sentences	67:14	228:5	27:23 28:2
236:11	187:5,8	83:20	231:10,16	sign 205:3
sender 112:3	separate	171:1,7	231:17	218:22
sending	27:23,25	172:3,19	237:5,7,11	signed
100:23	28:2,5,6	172:23	238:15	118:11
102:13,18	102:22	200:22	246:4,19	181:12
104:3	103:15,15	202:11,16	settlements	207:19
235:16	103:16,23	238:4	172:25	218:2
250:21	145:3	264:21	seven 180:15	221:8
269:16	148:8	services	Shannon	235:14,15
senior 109:4	separated	7:11,13	194:18	235:20
233:25	21:11	70:3 207:3	share 56:11	236:18
sense 38:20	49:14	207:6,10	56:12	287:8
49:12,13	separately	207:12	sharing	signific...
59:8 141:7	114:2	277:12	154:22	118:16,18
sent 19:20	separation	serving	155:1	118:19
22:11,12	37:20	25:21	Sheet 6:23	significant
99:25	September	session	shift 59:5	114:5
100:4	20:23	45:18	267:13	118:21,25
101:1,2	219:4	111:3	shocked	119:1,3,5
102:7,15	series	123:11	242:17	119:8,17
102:16,20	111:22	set 5:15,16	shortly	119:25
102:22	seriously	5:16 26:15	45:15	120:13,16

DEPOSITION OF DUKES SCOTT

November 7, 2018

337

121:10,12	22:19	112:6	183:1	233:19
121:14	26:12	114:2,24	184:13,22	234:13
124:5,17	27:12	115:18,23	185:17	236:5
125:1	28:19	116:1,7,9	186:8,11	238:22,25
128:3,9,13	30:18,20	116:18,20	186:14,17	239:4,14
132:23,24	33:13,16	116:25	188:23	239:18
135:15,19	33:23	117:6,8,10	189:14	240:10,13
149:6,9	35:23 36:2	121:1,3,17	191:19	240:15
158:19	36:7,17	122:5,10	192:4,7,16	243:24
168:10	37:15,21	123:14	192:23	244:6,22
179:2	37:25	124:18	194:15,19	245:5,10
184:23,24	38:14	127:22	195:25	245:17
191:9	40:18,21	128:25	196:3,7,12	247:18
213:15	41:5 46:24	129:4,6	196:14,16	248:19,25
215:17,22	47:16	130:5,22	196:18	251:23
215:24	48:10,14	132:21	197:20	254:13,14
219:18	51:3,5	133:16,19	198:4	272:22
220:2,23	52:11,25	133:19,22	199:13	283:8,14
221:3,4	53:18	134:22	200:8	283:24
226:18	54:12 55:6	135:24	201:1,4	sit 53:7
signific...	55:9 58:22	137:13	202:7,21	58:10
272:5	58:24 62:9	140:10,13	203:5,22	65:17
similar	62:18 66:5	141:4,4,16	204:11	139:22
47:11,11	66:5,8,20	142:12	206:18,24	164:11
57:3 91:3	68:18,21	145:1	207:1,14	176:18
163:17	69:4,7,11	146:18	207:16,19	188:5
236:6,9,23	69:17 70:3	148:2,7,10	209:2,25	site 127:19
237:3	71:11,24	149:2,16	211:12	127:21,24
Simply 126:2	72:4 74:3	149:24	213:6,22	128:1,3,9
Simpson	74:11 75:2	150:6,11	214:21	129:9
166:22	76:9 77:18	154:13,25	215:10	130:3,7,13
single 104:4	78:19	155:4,12	217:25	131:5,8,11
134:19	79:19	155:15,18	218:2,5,23	131:15,20
Sinkler 4:20	85:19,21	156:5,8,8	220:18,21	131:21,23
7:6	92:4,21	157:22	222:2,23	132:3,10
sir 10:23,24	95:14	158:20	223:4	132:20,24
10:25	96:23 99:8	159:7	224:2,6,10	133:6,14
11:16,22	99:13	160:1,21	224:17,22	140:8,11
12:7,18	100:1,13	165:5	225:14	164:8
14:15,17	101:15	167:3,19	226:9,15	211:15
15:5,22	102:10,21	175:24	226:15	213:16
16:7 17:1	105:1	176:5,7	228:2	214:1
19:6,8,23	109:5,23	177:12	229:6	215:9
20:1,4,7	110:18	179:19	230:1,10	247:15,17
20:12,13	111:6,12	181:25	232:8,24	256:20
20:16 22:3	111:24	182:7,22	233:11,16	259:3,4,5

DEPOSITION OF DUKES SCOTT

November 7, 2018

338

259:8,12	solar 26:24	257:21	35:18	42:7,20
281:10	27:2	280:11	56:15	43:10
sitting	250:12	sought 67:15	68:17	speaking
27:19	sole 39:25	91:25	70:25 71:8	97:11
74:23 75:5	solely 270:7	173:5,16	71:12 72:1	176:13
118:9,13	270:14	Soult 4:13	74:8,14	207:7
120:2	solicit	9:2,16	82:21,23	222:7
122:6	136:17	10:4 73:21	100:12	225:14,16
124:16	150:20	95:12	105:4,11	special
163:20	210:10	122:13,18	134:20,24	72:20
185:11	Solicitor	122:19,22	135:5	103:3
221:16	4:8	123:4,11	149:22	specific
284:15	Solomons	123:20,23	150:8	44:13
situated 1:7	2:12,12	124:1	154:24	50:18,19
situation	33:1,2	126:11,19	155:3	71:5 88:7
277:18	solution	128:7	156:24	108:12
six 13:20	27:1	133:1	159:14,16	116:10
183:9,23	205:15	208:2	159:21	130:15
184:16	250:15	222:10	160:10	136:1,20
six-month	somebody	Soult's 9:2	167:24	143:11
183:3	28:7 58:8	95:15	190:20	146:20
Skip 117:4	61:23 69:9	124:20	237:8	147:1
117:12,23	70:2 79:16	125:22	270:8	164:12
257:15,16	128:15	sound 259:19	286:1,5	176:19
257:16,17	138:13	259:21	287:23	178:21
sleep 13:14	197:9	260:10	Southern	233:18
14:1	213:12	266:12	230:4	263:18
sleeping	214:13	sounds 184:4	space 205:20	284:1,16
13:23,25	281:18	219:23	Spalding 3:6	specific...
16:3,18	somewhat	252:10	8:22,24	9:12 18:18
slide 181:20	110:20	255:7	speak 18:25	19:13
slow 62:12	sorry 31:6	258:21,23	95:22	24:16
Small 237:9	33:2 34:12	259:1	215:1	30:22
Smith 3:16	40:2 45:10	283:14	266:12	55:16
4:7 5:5	46:25 53:1	South 1:1,10	Speaker	60:24 73:8
8:9,9,15	62:12 77:5	1:12,14,19	39:17,17	86:3
8:15 117:4	105:9	2:21 3:4	39:18 40:3	113:15
117:12,23	140:23	3:20 4:21	40:16 41:1	127:23
247:9,10	142:6	6:1,1,5,6	41:6,16,24	131:9
252:25	195:20	6:16 7:7	44:20,21	169:2
257:16,17	222:2	7:16,18	45:8,11,25	178:1
285:14	254:13	8:16 12:3	46:15,22	195:5,8
so-called	271:4	26:24	48:19 49:5	201:2,8,9
32:9	sort 42:17	28:16,22	49:21	214:14
223:11	151:13	29:7,14	Speaker's	215:19
231:15	225:12	30:1,9	41:3,8	235:7

DEPOSITION OF DUKES SCOTT

November 7, 2018

339

236:4	71:13 72:2	180:4,5,7	27:25 28:6	123:16
272:2	72:19	180:9,18	28:12	269:2
specifics	84:21 92:8	181:10	266:6	276:2
31:17	92:22	182:16,17	standpoint	287:7,9
speculative	100:15,23	182:18	70:13	states 82:20
188:7	101:10	183:17,19	start 36:22	117:3
SPEIGHTS	102:8,23	183:21,22	131:18	270:21,24
2:12	102:24	184:1,9,15	started 13:6	status 6:3,7
spend 134:17	103:4,4,24	184:19,25	13:12 56:9	73:24
spoke 110:19	104:5	185:3,12	102:10,13	77:15
259:7,11	106:19	185:16,23	109:11,14	83:12
spoken	107:2,9,15	186:2,3,18	109:15	98:22 99:4
110:21	107:18,21	187:13,22	132:15,17	100:12
stability	108:5,9	188:6,12	249:4	103:19
80:12	112:10	200:18	starts 13:13	105:11
212:11	113:16	203:10	193:20	106:9,21
stable 79:3	114:3	204:22	state 1:1,12	108:7,11
80:7 81:19	127:3,20	205:3,9	4:6,6 7:18	108:19,24
stack 240:9	129:8	209:4,8,13	8:16,17	109:19
staff 1:14	130:6	209:17,20	10:20 21:7	110:20
2:21 3:1	134:3,8,13	215:13	21:7 32:13	128:22
6:1,6,17	136:3	217:1	32:15,17	129:2
7:25 8:2	138:14	218:8,11	43:14 78:4	133:4
12:2 20:3	139:9	218:19	134:16,20	154:11
20:9,18,25	141:4	221:6,7	134:24	156:16
23:8 25:18	142:16	222:5	149:22	160:24
25:22	143:7	223:10	154:23	161:6
28:21 29:6	145:4,11	224:8,12	155:3	163:23
29:13,25	145:18,21	226:20,22	158:5,6	164:18
30:8,12	148:3	230:10,17	162:9,19	190:21
35:17,25	162:21,25	230:18	167:24	192:5
36:4,5,16	163:5,9,15	234:10	169:14,20	201:18
37:24	163:16,19	236:10,11	205:16	210:11
38:12	164:2,2,4	240:21	224:19,23	220:5
39:16	164:7,18	257:1,23	225:2	230:7,8
44:11,12	165:13,20	258:19	247:14	234:13
48:8 49:10	166:21	260:4	271:17	237:16
49:17,21	167:14	261:10,24	285:15	statute
50:3,9,14	170:2,7	266:5	286:1,5	63:21
50:20,25	173:23	281:18,22	stated	82:12 83:3
51:7,10,16	174:4,19	Staff's	139:13	83:4 86:17
51:21 52:4	177:3,13	71:20	280:6	88:15
52:8,21	177:23	stand 227:9	statement	89:11
53:17	178:14,15	228:12	26:4 60:15	statutorily
66:10,12	178:24	standing	79:11 92:6	237:23
70:4 71:9	179:1,9	25:14	97:24	statutory

DEPOSITION OF DUKES SCOTT

November 7, 2018

340

273:2, 8	97:25	254:1	18:21	27:4 34:14
stay 15:15	106:11	substantial	21:21 22:2	40:2 42:8
stayed 37:1	113:14	190:22	22:7 23:5	42:11, 17
58:5, 6	212:8	193:3	30:23	52:19
61:23	222:20	227:25	31:14 33:7	53:13
step 215:5	263:20	255:22	65:5, 13	57:15
STEPP 3:21	sub 207:12	277:21	72:7 73:6	60:25
steps 99:9	Subcommi...	substitute	73:25	67:11, 12
99:14, 23	232:12	13:11	76:11, 15	69:9, 10
104:20, 23	subject	14:13	85:16 86:4	81:11
105:22	20:17	15:14	94:17, 18	98:20
106:13	73:21	16:13	111:17	109:14
210:18	84:22 99:7	success 80:3	134:25	111:25
Steve 196:15	117:1	successf...	135:3, 16	115:4
196:17	228:5	61:24	144:5	120:6
245:20	238:6	sufficient	150:5, 9	121:4
259:6	263:23	12:16	154:11	123:23
Stewart	264:5	227:8	157:3	125:20
229:24	277:21	231:4	162:11, 20	132:9
230:1, 3	subjects	238:13	215:4	139:13
stick 223:1	26:22	suggest	224:21	145:3, 7, 15
sticks	submitted	51:18 52:2	230:7, 8	185:2
222:20	190:24	188:14	233:6	190:1
Stokes 258:6	submitting	suggested	235:1	195:12
stop 49:9	160:18	47:2 51:17	251:2	197:10
stopped	subscribed	52:7, 20	260:20, 20	199:17
49:15	287:22	53:4, 15	261:2	201:20
62:11	subsequent	120:24	265:3	217:7
storm 102:15	26:15	121:8	supervise	231:14
straight	64:10, 22	208:5, 6	95:17, 20	248:11
43:10	64:22	266:22, 23	supervision	257:20
Street 2:7	Subsidiary	suggestions	202:23	259:25
2:10, 13, 19	1:11	38:10	support	260:17
3:2, 7, 10	substance	Suite 3:10	45:22, 24	262:4
3:13, 17, 22	12:5 19:10	sum 204:13	83:14	265:8
4:3, 21 7:7	22:7 25:12	214:17	supported	267:12
strike	33:25 34:4	225:11	55:7	270:3
169:23	42:18 49:7	summaries	suppose	271:19
Strom 2:3	116:15	98:2, 4	101:7	273:7
8:4 253:12	187:4	211:19, 21	supposed	274:7
study 79:4	189:21	211:23	18:1 29:10	surprise
stuff 13:1	192:21, 24	summary 6:10	178:4	171:16, 17
13:12	204:14	105:15	269:4	171:19
16:23	214:18	132:19	sure 9:21	194:23
31:20	225:11	193:10	10:3 12:1	surprised
46:20	236:19	summer 6:2	24:13 25:5	190:8

DEPOSITION OF DUKES SCOTT

November 7, 2018

341

suspension	4:19 7:5	120:20	142:15,17	266:6
201:7	7:14 15:16	123:8	143:6	terminate
swear 8:25	15:19 20:6	144:16	145:1	269:14
10:10	34:1,5	155:21	147:5	termination
swearing	54:25	203:7	153:8,10	269:12
16:22	101:23	232:21	155:9,13	terms 30:17
switch 17:3	115:7	252:18,22	155:16	48:6 70:20
101:16,18	120:10	264:3,11	157:12,13	227:13
sworn 10:14	161:13	271:14,24	163:25	228:5
286:8	168:17	tape 101:16	164:14	263:7
287:22	217:15	101:18	172:22	268:4
	247:5	task 47:23	174:1	269:18
T	250:2	tasked 136:3	178:24	Terry 2:9
T 13:13	282:18	tax 181:2	186:1	8:11
take 11:2,24	287:4,5	Taylor 44:12	203:7	testified
11:25 13:4	talk 11:10	47:7,10	208:20	10:14
13:19 14:2	31:16	100:18	212:20	57:20
14:3,5,14	33:14,24	102:17,18	268:21	180:25
14:16,18	33:25 40:6	103:17	271:17	216:5,11
14:21 15:2	42:6 84:10	team 94:16	272:19	269:22
15:3,4,9	108:4	254:16	telling 18:2	277:23
15:11,12	129:25	technical	48:11	278:2
15:14,20	166:22	21:5	74:22	testify
16:11 44:7	271:5	teleconf...	103:18,20	216:8
44:8,9	talked 15:13	2:12,15,18	112:22	266:11
54:21 75:3	19:9,11	4:13	121:15,24	281:12
81:13	24:21 39:8	telephone	142:19	286:8
83:12 99:9	42:11 47:7	248:10	167:5	testifying
99:14,23	62:2 95:23	261:8,11	168:4	40:23,25
104:20,23	141:5	261:13,16	231:7	266:7
105:13,22	235:7,8	tell 11:24	tells 45:14	testimony
106:13	261:4	12:10,13	temporary	17:14
115:3	262:24	34:2,8	201:6	19:23
146:13	talking	35:7 41:17	ten 128:23	74:12
161:7	13:23 25:8	41:24	129:2	87:10
177:2	26:11	46:25 48:8	133:5	90:20
201:24	31:18 34:4	48:13,16	tendered	116:11
202:1	48:7 54:1	55:20 71:3	43:17	117:11
217:8	71:3,7,16	74:10,11	tenure	123:25
229:1	72:23	87:11	102:13	129:7
275:10	80:12	98:11	285:6	137:18
277:23	90:13,13	105:5	term 37:10	138:4
278:2	91:13	118:6	158:9	173:18,22
280:8,12	98:15	119:8,18	177:5	200:9
282:6	100:17	136:1	191:14	216:16,17
taken 1:19	113:20	141:2,24	235:3	219:25

DEPOSITION OF DUKES SCOTT

November 7, 2018

342

221:1	19:21 42:5	36:25 37:8	95:9,20	139:24
226:21	46:13,19	38:8,8,17	96:7,10,12	140:17,21
247:13	46:21	41:15,25	96:16,20	141:13
250:20	50:20	41:25	96:25,25	142:5,7
277:25	55:23,25	42:14 43:8	97:5,11,23	143:1,3,8
281:12	56:23	43:8,13,23	98:10,11	144:11
282:2	57:11,16	44:11,12	98:24 99:5	145:20
286:13	57:17	44:17,18	99:13	146:5,6,15
text 224:9	75:10,10	44:19,20	101:11,12	146:22
262:8,23	77:23 79:1	44:23	102:10	149:19
texted	106:7	47:13,18	103:9,10	150:22,23
262:10	120:16	48:10,14	103:10,16	151:1,10
Thank 240:3	141:19	49:20 50:6	104:13,19	151:12,12
247:2	149:15	50:17	105:1,12	152:1,24
253:1	177:18	51:17	106:10,17	153:18
283:3	187:20	53:18 57:2	106:24	154:7,8,17
Thanksgi...	207:11	59:7,8	107:20	154:19
50:6	219:8	60:3,15,21	108:13	155:7
they'd	223:1	60:22	110:5	156:10
230:16,17	225:7,8	61:14	113:13	157:4,11
230:19	245:7	63:12,21	114:15	159:7
269:6	250:21	64:4,4	118:6,12	161:7,24
thing 11:14	251:11,13	65:9 67:5	118:24,25	162:3,4,12
25:15	251:15	67:23,23	119:15,16	162:16,22
34:21	259:18	68:7 71:15	119:19,21	164:3,23
40:10	266:22	72:10,14	119:23,24	165:1,1,23
42:17 46:2	273:18,20	72:21,24	120:22	166:13,15
54:2 67:9	275:18	75:19	121:11,11	166:20
68:16,20	think 9:13	76:18,19	121:14	167:4,25
70:17	13:11,13	78:6,6,14	122:19	168:8,15
72:17	13:14,16	80:15	123:2,20	168:16
76:20	13:20,21	81:12 83:2	125:9	169:8,22
82:14 89:8	15:2,3,13	84:4,18	126:4,23	170:17,22
105:20	15:22	85:13 86:2	128:11	171:6,11
125:17,19	17:23,24	86:16,17	129:21	171:18,20
136:2	17:24 18:7	86:20 87:3	130:17,20	171:22,24
158:14,18	21:16 22:8	87:19,23	130:22	172:2,12
163:12	23:12	87:24 88:1	131:22,23	173:18,24
219:5,24	25:25 26:9	88:10,14	131:23	175:6,6,12
224:25	26:14,15	88:14	133:22	175:23
227:14	27:6,16	89:12,12	135:2	177:15
259:12	28:9 29:17	90:10 91:1	137:13	178:3,25
264:19	30:4,13,15	91:9,14,16	138:6,11	179:4
278:1	31:15 32:2	92:4,16,17	138:11,12	180:7,25
284:5	33:14	93:3,14	138:16,24	181:3
things 18:1	34:14 35:1	94:2,4	139:3,5,5	182:14

DEPOSITION OF DUKES SCOTT

November 7, 2018

343

185:9	234:6, 8, 18	275:3, 12	86:20, 22	283:24
186:2, 22	235:8	276:1, 14	87:17 90:2	three 14:21
187:10, 11	236:17, 22	276:15, 17	94:8 96:18	14:22
190:16	238:19	276:19	106:20	15:15, 20
191:10	239:7, 8	277:13	113:8	16:12, 14
192:19, 20	240:21	278:2	114:5	16:19 17:4
192:23	243:6	280:1, 2, 4	119:16, 16	17:6, 8
193:7	244:13	280:13	119:18, 18	35:13
194:19	245:20	281:3, 4, 10	125:11, 13	72:22
195:7, 25	246:7, 12	281:17, 17	130:25	95:19
199:4, 18	246:22	282:2, 24	131:4	135:1, 2, 3
199:19	247:19	283:4, 19	137:4	135:17
200:16, 18	248:19	284:22	140:24	159:12, 19
202:13, 17	249:4, 12	thinking	143:24, 25	161:17
202:18	249:15, 22	59:2, 4	157:6	179:20
203:12	249:23	82:15	158:23	187:5
204:8, 15	250:7, 16	158:24	160:23	217:12
205:1	250:17, 18	178:4	167:7, 11	264:22
206:18	251:10	third 186:23	174:6	270:4
207:12, 24	253:20, 23	187:1	184:5	three-prong
208:4, 8, 14	257:2, 20	193:15	201:23	270:9
210:21	258:4	194:4, 9	205:11, 21	three-pr...
211:16, 20	259:6, 7, 9	196:13	205:24	238:5
212:4, 4, 5	259:20, 23	197:23	206:2, 3, 8	threefold
213:4	259:23	200:22	208:11	55:21
214:13	261:15	third-party	211:5, 6	Thursday
215:3, 15	262:21	280:17	213:13, 13	111:13
215:20	263:15, 17	thought	215:2, 4, 4	tier 21:9
216:1, 5, 16	263:21, 25	17:21 23:7	218:16	time 7:3
216:18, 20	264:13	24:5, 5	219:6	10:8 11:23
218:13, 15	265:17, 23	25:24	220:2, 9, 11	12:9 15:1
218:23	266:4, 7, 14	41:10, 13	221:2, 3, 4	15:17, 19
219:4	266:20	42:1, 3	221:5	21:11
220:3, 18	267:5, 15	45:25	226:17	28:11, 14
221:1, 1, 23	267:17, 18	46:16	229:2	31:16, 16
222:8	267:21, 22	55:10, 14	231:3	36:20
223:3, 6, 12	267:23	55:25 56:4	234:16, 18	37:16 38:7
224:14	268:1, 1, 2	56:25 57:1	237:11	39:1 40:2
225:3, 15	268:6, 15	57:4, 9, 13	241:22	42:8, 13, 25
226:7, 20	268:23, 25	58:12, 18	247:24	44:8, 10
226:22	269:11, 22	59:2, 19	266:8, 9, 13	46:5, 12, 21
227:7	270:1, 12	62:11 68:9	266:13	47:24 50:3
228:11, 13	270:12	68:10, 15	267:6	50:6, 9, 15
229:10	273:13, 17	68:19 77:6	278:1, 17	50:21
230:20	273:19	77:10, 12	278:22	51:20 52:1
233:24	274:5	82:13 83:1	281:14	52:7, 19, 25

DEPOSITION OF DUKES SCOTT

November 7, 2018

344

53:4,14	161:11,16	270:3	160:3	166:18
55:19,21	165:8	275:17	164:11	168:13,16
57:15 59:4	170:8	276:10	176:18	168:23
61:8 68:1	174:15	279:6,12	183:10,12	170:14,18
68:2 69:22	177:11	279:15,18	185:11	170:22
78:7 79:9	179:18	282:2,9,14	188:6	171:1,7,22
79:10 80:5	180:18	283:11,13	221:17	172:2,2,12
80:10,11	182:4	285:2,9,17	259:14	173:13
85:25 86:1	184:12	times 14:22	267:22,23	185:12,15
92:5,6	202:24	15:15,20	284:15	185:19,22
94:15	203:23	16:12,14	Today's 7:2	187:22
97:15	205:6,10	67:10	101:25	216:13
100:21	205:20,20	101:2	161:15	230:23
101:21	206:4	165:6	told 22:9,19	243:10,17
102:1,11	212:19	254:17,25	22:25	245:24
103:20	214:18	259:9	23:17 29:8	248:8
105:16,17	215:14	266:5	29:11 34:1	249:19
109:19	217:6,13	tired 253:13	34:5,15	266:4
114:10	217:17	title 181:20	40:5 44:21	281:8,17
117:22	219:7	189:3	47:7,12	281:18,19
119:13	220:11	257:20	48:19 49:5	281:22
122:21,25	224:13,16	today 6:15	53:11,12	top 128:23
124:23	227:18	11:6 12:6	53:14,16	129:2
125:6,12	228:7,15	14:16	53:19	133:5
126:4	229:3,17	17:15	96:21	257:6
129:10,22	230:13,15	18:17	113:4	271:6
131:6,23	231:9,25	21:12,19	119:21	topic 53:21
134:17	235:12	21:25	120:9,11	146:1
135:10	236:20	26:25 53:8	120:12	150:24
138:4,7,9	237:19,20	55:22	121:5,6	156:9
138:20,25	237:22	57:21	127:9	178:13
139:12,13	238:16,17	58:10	137:9	209:3,7
139:17	239:5	65:17	139:20	241:4
140:9,16	241:10	77:20 97:2	141:9,23	topics 33:11
140:23	242:20	108:4	141:24	33:20
142:14,25	248:14,17	118:13	142:7,9,13	258:17,24
144:5,7,22	248:21	120:2	143:4,24	Torres 257:5
145:14	251:1,1	121:10	143:25	257:19
146:2,20	255:23,24	122:6	144:2,2,18	Toshiba
146:25	256:25,25	123:7	145:5,8,10	110:9
147:14	257:8	124:16,18	145:18	212:12
151:19,20	259:11	125:7,24	146:10	230:14
152:6	260:1,6	125:25	153:3,12	231:21
156:20	263:12,18	126:3	153:23,23	246:12
157:4	264:14,15	140:18	155:20	Toshiba's
159:3	265:9	159:5,23	160:11	230:24

DEPOSITION OF DUKES SCOTT

November 7, 2018

345

totally	174:3	165:9,11	219:9	63:6 65:6
177:12	215:20	165:21	uncovered	65:7 72:10
tough 24:6	231:19	168:2,20	220:23	81:11,12
tour 129:21	239:8	172:9	underneath	83:13,17
214:5	247:20	two 9:1	94:16	84:2,6
259:6	269:2	26:22	understand	100:4
town 98:1	276:2	57:16,17	9:2 12:10	101:13
track 165:3	283:14	57:21	12:14	108:7,11
165:7	286:13	72:21 90:7	23:12	128:1
training	trusted	95:1,19	24:22	142:18
258:14	168:11,12	102:2	25:17,20	147:18
transcript	168:25	120:24	28:15	149:12
11:20	170:10	135:1,2,2	34:18 51:6	154:2,5
173:13	truth 170:18	135:18	53:10 54:9	160:9,15
transpar...	286:8,9	141:19	58:23	174:18
58:4 84:5	truthful	149:14	60:25 63:2	175:17
242:21	170:10,15	159:9,11	63:13 65:2	179:7
transparent	170:18	161:10	65:16 88:4	182:4
124:25	try 11:10	173:8	94:22	186:18
transpired	65:1	212:9	95:24	190:11
45:1,4,5	112:17	252:13	101:8	192:7
45:16	206:9	280:14	112:9	203:17
traumatic	219:21,24	type 31:20	122:12	212:8
42:13 46:2	250:14	123:21	134:7	216:12
46:4	253:14	158:18	144:4	229:17
tricky 103:2	265:21	types 40:13	154:10	231:2
tried 15:15	trying 14:23	typewriting	159:9	234:22
210:9	27:1,20	286:12	178:11,15	239:11
231:17	34:17,20	typical	183:18	246:14
Tronco 157:6	118:12	59:10	187:9	255:21
247:22	125:2	133:13	188:20,24	264:18
true 17:14	134:14	260:16	224:18	265:11
37:22	156:3		228:7	267:2
66:25 68:4	178:11	U	238:7	268:3
68:7 70:13	200:3	uh-huh 11:19	249:25	273:7
80:6,16	208:8,13	128:21	250:5,5,24	276:5
81:15 86:8	219:16	189:10	279:18	281:7,23
99:6 109:3	225:21	ultimately	understa...	283:15
131:25	254:21	45:5 59:12	16:8,17,21	understa...
136:13	turn 240:8	94:7	30:16,21	65:17
140:6	255:13	196:10	31:5,9	understood
159:7	256:13	277:22	41:23 51:8	12:15
161:7	270:18	unavailable	53:20 54:3	56:19
162:22	twice 149:7	232:19	58:7,9,19	57:22
170:12	150:12	unaware	60:16 61:8	58:25 61:2
173:23	156:2,6	129:8,10	61:19,21	102:6

DEPOSITION OF DUKES SCOTT

November 7, 2018

346

159:15	USC 35:10	V.C 6:2	44:24	visible
177:2	use 120:19	18:21	versus 7:16	214:2
183:19	155:6	21:21 22:1	114:19	visit 6:11
197:2, 8, 10	177:18	22:7 23:5	135:17	127:6, 19
197:21	185:6	30:23	viability	129:9, 18
229:12	188:7	31:14 33:7	212:12	129:19, 25
252:20	211:23	65:5, 13	Vice 45:23	130:3, 7, 14
257:22	245:2	72:7 73:6	video 7:4	131:5, 8, 20
282:22	Users 234:3	73:25	11:5	131:21, 23
undertook	237:8	76:11, 14	101:20	132:11
272:17	usually	85:16 86:3	102:2	133:6, 15
uniquely	230:10	94:17, 18	161:10, 10	211:15
150:4	utilities	134:25	161:17	215:9
unit 72:21	27:18	135:3, 16	217:12, 19	256:20
72:22	56:20	150:5, 9	videogra...	visited
77:15	57:13	154:11	4:13 7:1	103:17
193:3, 3	58:12, 16	157:3	7:10 54:23	visits
197:19, 19	238:2	162:10, 20	55:1	127:21, 24
232:18	242:21	215:3	101:19, 24	128:1, 3, 10
units 6:3, 7	utility	224:21	115:5, 8	131:11, 15
65:13, 20	45:24	230:7, 8	161:9, 14	132:3, 20
66:7, 13, 24	55:10, 17	233:5	217:11, 16	132:24
67:17	55:24 56:5	235:1	223:16, 19	140:8
73:25 74:9	56:16, 17	251:2	247:3, 6	259:12
76:11, 15	57:24	260:19, 20	253:4, 7	voicing
77:17 78:5	58:15	261:2	282:16, 19	229:4, 7
82:22	60:13 62:7	V.C. Summer	285:16	volunteer
103:9	62:14 63:7	6:7 74:9	Videotaped	26:24
134:25	63:17	vacant 37:9	1:18 4:19	Voters 27:17
135:1, 16	64:25	valid 59:14	view 26:8	VP 233:25
135:17	71:16, 17	value 135:19	81:21, 24	
187:23	72:3, 20, 25	valued 38:22	82:4, 6	W
203:1	84:17 85:4	38:23, 24	84:25	waiver 117:2
227:25	87:16	variety	87:20 88:7	walk 35:7
233:6, 15	88:13, 20	33:11	121:8	walked 10:7
University	89:5 90:23	various	125:7	Walker's
35:9	189:22	35:25 36:5	158:19	9:18
unknown	205:18	37:1 77:16	168:18	Wallace 2:22
123:12, 16	238:10	107:3	222:12	7:24 19:15
update 97:12	utility's	114:9	231:9, 10	want 21:5, 6
249:7	82:8	242:25	viewed 125:4	24:25
updated	utilized	258:24	125:19	31:22
175:15, 22	208:16, 25	VCS 6:11	126:5	34:18 39:9
updates		verbatim	214:19	44:7 45:14
175:9	v	107:1	Villa 157:5	49:15
194:21	v 1:9 287:2	verified	247:22	54:21

DEPOSITION OF DUKES SCOTT

November 7, 2018

347

59:18	46:6 50:5	274:17, 20	Wednesday	226:16
65:21 77:9	50:23 51:5	279:22	44:21	269:20
84:10	52:24 53:3	283:21	week 95:19	270:7
87:25	53:14	watched 19:7	weekly 33:14	WESTBROOK
111:25	56:16 60:1	way 2:23 9:4	110:25	2:9
115:2	66:18 75:5	43:6, 7	111:3	Westingh...
126:1	76:24	44:15	112:4	110:11
163:14, 22	83:14 93:3	51:14	114:14	144:10
217:8	100:22	110:1	165:4	199:2, 9
218:19	106:5	120:5	weeks 33:17	211:7
230:17	111:12, 16	121:22	33:19	212:14, 18
241:20	112:16	125:2	weighed	221:7, 12
244:3	120:13	130:2	46:17	227:6, 7
245:15	123:7	163:11	weight	228:8, 17
254:8	129:24	185:25	218:13	228:19, 21
255:5, 13	134:4	210:9	Wells 4:2, 2	228:25
256:13	137:9	224:4	7:22 19:14	229:3, 7, 13
259:23	140:21	ways 26:1	went 35:8, 9	230:24
266:18	146:24	we'll 11:24	35:10	231:21
270:2, 18	147:18	88:6	36:10, 25	232:19
271:19	149:12	107:13	37:10, 11	233:13, 14
281:11	151:5	108:4	39:8 41:8	233:18, 24
wanted 31:20	156:3	176:25	43:10 56:2	234:16, 22
32:8 39:17	157:4	we're 38:20	57:2 67:13	234:25
40:5, 6	158:12	54:1 90:13	82:15	235:2, 4, 5
41:2 59:5	163:7	90:25	127:25	244:12
85:1 96:14	164:14, 15	144:16	129:20, 22	245:2
110:12	169:9	161:14	159:2	246:6, 8, 11
118:1	173:7, 10	171:8	178:22	258:5
218:25	178:9	187:18	192:13, 15	259:7
224:7	180:3	217:13	192:18	266:10, 13
228:22	184:12	218:20	201:10	269:16
236:11	205:23	264:11	211:25	271:15, 21
240:18	206:1	we've 39:10	230:10	274:1
245:8	210:8	website 5:13	246:6, 8	Westingh...
248:14	218:16	75:11, 11	259:10	180:1
267:25	220:17	75:12, 19	264:24	212:12
wants 156:25	221:5	75:22, 25	265:1, 4, 7	216:25
warned	234:7	76:23 77:4	284:2, 17	221:18
215:22	239:21	77:8	weren't 22:5	231:4
wasn't 10:7	249:23	226:11, 12	22:5 85:12	244:20
24:20, 20	259:12	226:12	112:6	Westingt...
26:5 29:19	261:8, 25	261:19	141:10	273:23
38:9 40:5	261:25	264:3	166:2	whatsoever
40:24	270:16, 16	WEC 221:25	167:9	177:4, 5
44:24 46:5	270:17	222:5	226:6, 13	WHEREOF

DEPOSITION OF DUKES SCOTT

November 7, 2018

348

286:18	89:19 90:2	265:15,20	152:17	wouldn't
whitewashed	94:1	267:15	155:6	24:14
243:2	115:22	268:11	165:25	45:20
whitewas...	117:19	275:25	168:7	47:19 61:2
243:22	118:4	276:7,14	172:12	64:22
Whitney 2:6	119:15	277:17	213:19	76:18
8:6	121:21	279:17	216:22	83:21
Wholly 1:10	122:10,17	280:19,24	words 39:9	86:12
wife 13:1	124:9	282:6,11	41:10	105:19
17:20 46:4	126:14,22	282:15	103:2	112:18
willing	134:3,10	283:3	165:11	120:15
43:22	136:5	284:9	177:18	149:17
Willoughby	142:24	285:12	185:25	158:5
5:14 36:22	144:21	286:10,13	229:19	163:12
111:11,22	149:24	286:18	work 11:10	171:19
112:4	150:16,16	witnessed	36:10	177:8,20
265:2	153:16,17	214:3	38:25 46:5	177:21
285:1,3,5	159:25	witnesses	46:6 57:6	178:5,5
285:7,8	160:14	173:8,9	63:3 73:11	181:2
Wilson 4:6	165:17	Wolfe 142:5	95:3	182:13
8:17	166:4	142:7,11	160:19	183:21
winding	169:6,19	142:22	213:25	190:13
282:9,11	170:17	143:22	214:7	194:23
wish 124:19	172:11,22	144:18	219:21,24	203:14
125:21	174:23	145:9	273:14	207:20
withdraw	191:4	153:3,12	worked 23:6	209:18
175:2	194:7	153:23	46:10	210:7
withhold	195:12,14	154:2,12	54:19	219:22
96:22 97:1	200:14	154:16	94:16	228:23
275:13	205:6	155:11,20	220:24	236:24
withholding	210:21	160:11	workers	239:8
97:3	213:18	248:8	214:3	246:22
witness 4:1	214:25	Wolfe's	workforce	251:3
5:2 6:23	216:11	154:5	203:25	258:6,10
8:25 9:3	217:10	Women 27:17	working 38:7	284:20
10:10 25:7	220:8	wondering	49:9	wow 39:17
25:11,14	222:23	221:20	164:24	write 97:19
31:6 32:2	240:3	word 29:17	165:2,4	192:9
32:16	243:5,14	43:4 48:4	167:11	207:15,18
52:11,14	243:24	58:14	205:14	207:19
52:24 53:3	244:6,15	63:21,22	249:6	211:24
59:17 61:7	245:5,10	87:3,3	270:7	237:3
61:21 72:9	245:17	103:9	283:22	writes
77:22 79:8	247:1	147:25	284:23,25	200:21
82:11	254:24	148:21	world 216:17	writing 29:3
83:25	257:13	149:10	worthy 59:12	108:24

DEPOSITION OF DUKES SCOTT

November 7, 2018

350

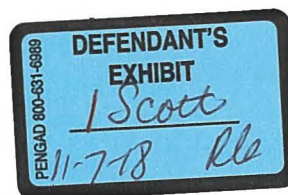
204:10	227:25	200:21	202:24	141:3, 8, 12
229:21, 23	232:18	201:13, 19	203:10	141:13, 15
17:30 282:17	233:6	204:9	204:9, 20	141:18, 21
17:37 282:20	20 194:17	244:10	206:13, 17	142:10
17:40 285:18	195:18, 21	245:20, 23	207:13, 25	143:5, 25
1730 2:10	196:4, 10	2015 5:14	208:11, 25	144:13, 25
175 5:20	200:2, 4	6:6, 9	209:15	150:9
38:14	2000 40:4	70:11 98:8	210:2, 6, 17	151:20, 23
17th 3:17	2004 37:12	115:11	219:5	152:1, 4
18 6:18	37:13	117:3	220:20, 23	157:23
70:18	2008 77:16	122:14	221:10	158:1
232:1, 4	78:13, 16	123:1, 8, 10	222:1	162:23
278:3	78:17	124:21	227:21	163:24
18-month	2009 65:9	125:16, 23	228:4	164:13, 25
278:1	66:22 67:6	126:1, 11	238:20, 23	165:8
186 5:21	67:17 68:6	126:20	239:1	167:17
19 6:20	205:24	127:5, 7	243:16	173:1, 2, 5
196:5	241:4, 9	129:9	244:10	173:15
200:6, 11	253:17	130:3	256:17, 20	180:25
200:21	283:11, 14	131:10, 12	271:3, 10	211:15
201:17	2010 21:8	131:17, 20	282:1	213:2, 5, 7
236:2	67:3, 11, 13	132:6, 7, 10	2015189 5:22	215:25
191 6:1	67:25	132:16	2016 5:10, 11	216:15, 23
1974 35:15	2012 205:21	134:1, 19	5:13 6:10	219:3, 25
1981 36:10	278:11, 15	136:15	6:11, 12, 14	220:16, 19
36:12, 15	2013 197:18	137:11, 14	6:20 68:20	220:23
1984 38:17	2014 5:19	137:21	68:21	221:2, 6, 10
1986 36:25	6:2 102:14	157:23, 25	70:11, 17	221:17
36:25	163:17	160:22	71:14 74:8	222:12, 21
1999 37:2	175:5, 21	161:1, 3	74:14	223:2, 5
1st 6:2, 6	180:1, 20	162:23	76:12, 16	225:5
37:11, 13	180:24	163:23	78:24 79:2	226:19
	181:3, 6, 17	164:13, 25	79:13, 21	236:8
2	182:8, 12	165:8	97:23	237:6
2 5:11 6:3, 7	183:24	167:17	101:2	238:18
6:15 65:13	184:17	173:1, 2, 5	105:17	239:6
65:20 66:7	185:14	173:10, 15	110:9	246:4
66:13, 24	191:11	175:9	121:16	255:17
67:17	193:1, 16	182:4	131:15, 18	261:11
73:15, 18	194:5, 10	184:20	132:6, 16	264:14, 25
73:25 74:9	194:17, 20	186:16	138:24	277:23
134:25	194:25	187:9	139:2, 8, 9	282:1
135:16	196:4, 6, 20	188:21	139:18, 18	2017 6:15, 18
187:23	197:15, 23	189:1, 12	140:2, 16	40:17 50:4
193:3	199:10	190:12	140:20, 22	103:17
197:19	200:9, 11	191:2	140:25	109:12, 16

DEPOSITION OF DUKES SCOTT

November 7, 2018

351

110:7,8	6:20	73:25 74:9	88:22	85 265:2
136:22	236 250:11	75:16,18		86 265:3
144:1,4,5	236.2 250:8	134:25	6	864 2:24
144:8,9,13	23rd 40:4	135:16	6 5:18	887 2:16
144:24	279:12	187:24	127:10,13	
174:16	240 5:4	193:3	128:20	9
230:20	242-8200	197:19	199:10	9 5:22 189:6
261:23	2:24	227:25	200:9	189:9
266:20	247 5:5	232:19	256:14	238:20
269:24	252-4800 2:5	233:6	6413 18:13	929-1400
2017-CP-...	253 5:6	267:21	68 5:10	3:23
1:2 7:17	26 20:23	3,211 6:10		943-4444
2018 1:20	27 130:24	3/28/2027	7	2:14
4:22 7:3	27-28 129:9	286:24	7 1:20 5:20	98 227:7
28:14	131:1	30 6:10,14	101:25	99 37:10
29:15,23	27th 219:5	21:2	161:15	
31:13 33:6	225:6	30-day 184:3	175:25	
37:20	268:23	30309-3521	176:3,4	
49:15	28 130:24	3:7	217:17	
101:25	181:18	30th 211:15	287:4	
120:2	283 5:7	211:17	71 35:12	
161:15	286 6:22	31st 40:7,8	73 5:11	
185:12	287 6:23	40:9 41:11	734-3642	
217:17	29 5:22 6:10	327-4192	4:10	
286:6,19	29201 2:7	3:11	75 5:12	
287:4	3:2,13,17	354-5519 4:4	771-8000	
206 6:8	29205 2:4	37-1/2 165:7	2:20	
2110 2:4	29206 18:13		779-0100 2:8	
217 6:12	29211 2:19	4	799-2000	
217-9000	3:22 4:9	4 5:14 70:8	3:18	
3:14	29556 4:3	111:18,21	7th 4:22 7:2	
22 5:19	29601 2:24	213:23,24	286:6	
239:1	29730 3:10	40 18:15		
223 6:13	29812 2:10	404 3:8	8	
227-2231	29910 2:16	44 2:23	8 5:21 6:20	
2:17	29934 2:13		186:4,7	
229 6:15	29th 211:14	5	270:19	
22nd 4:21	211:17	5 5:3,15	803 2:5,8,11	
7:7 130:18	261:21	116:3,6	2:14,20	
132:1		238:18	3:11,14,18	
256:17	3	239:6	3:23 4:10	
271:3,9	3 5:11,12	5:40 285:19	80s 56:2	
23 40:16	6:3,7	541-7850	82:17,19	
50:3	65:13,20	2:11	81 264:24	
232 6:18	66:7,14,24	572-2780 3:8	84 39:4	
235 3:10	67:18	58.450.A-1	843 2:17 4:4	



For information, contact:
C. Dukes Scott
Executive Director
Office Phone: (803) 737-0805
Cell: (803) 463-6524
Email: cdscott@regstaff.sc.gov

For Immediate Release

**ORS Releases Results of Independent Analysis on
V.C. Summer Units 2 & 3 under Base Load Review Act**

Columbia, S.C., January 15, 2016-

The South Carolina Office of Regulatory Staff (ORS) has received the results of an independent analysis conducted by the firm of Elliot Davis Decosimo, LLC with regard to SCE&G's construction of Units 2 & 3 (the Units) at its V.C. Summer plant in Jenkinsville, S.C. The analysis was conducted to determine whether the revised rates provision under the Base Load Review Act (BLRA) utilized by SCE&G for construction of the Units is cost beneficial. The report is attached.

According to ORS Executive Director Dukes Scott, "The results of the Elliott Davis Decosimo analysis confirm that the revised rate methodology under the BLRA is cost beneficial to customers. In addition to being in the customers' financial interest, the BLRA is in the State's public interest. The cost savings, as confirmed by the Elliott Davis Decosimo analysis, and the coverage of cost of capital under the BLRA allow for the construction of a reliable, greenhouse-gas-free source of generation for decades to come."

The Office of Regulatory Staff is an agency of the State of South Carolina. Its mission is to represent the public interest in utility regulation by balancing the concerns of the using and consuming public, the financial integrity of public utilities, and the economic development of South Carolina. For more information, please visit the ORS web site at <http://www.regulatorystaff.sc.gov/>.

####



Independent Accountant's Report

**The South Carolina Office of Regulatory Staff
Columbia, South Carolina**

We have examined the assertion below of the management of South Carolina Electric & Gas Company (the Company) regarding the effect of the Base Load Review Act (the Act) on the construction costs and future depreciation and cost of capital of the VC Summer nuclear plant Units 2 and 3 (the Facilities). The Company has provided us with the following written assertion:

In accordance with the Act, allowing the Company to establish annual revised rates and collect additional revenue during the construction of the Facilities will have the following effects:

- a. reduce the total costs to construct the Facilities by approximately \$1 billion, compared to if the revised rates were not implemented during construction, and
- b. as a result of the above reduction in total construction costs, reduce future depreciation and cost of capital of the Facilities by approximately \$4 billion over the Facilities' estimated 60-year life.

Our responsibility is to express an opinion on the assertion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, the following primary assumptions of the Company which are prevalent industry practice when developing revenue requirements for a utility:

- a. The Company may accrue an Allowance for Funds Used During Construction (AFUDC) for its financing costs associated with Construction Work In Progress (CWIP).
- b. The accrual of AFUDC will be added to the capitalized costs of the completed Facilities thus increasing future depreciation and cost of capital that must be recovered through increased rates once the Facilities are operational.
- c. AFUDC can significantly increase if financing costs are not paid during construction.
- d. The amount of AFUDC accruing to CWIP can be effectively limited by collecting in rates the financing costs associated with the construction of the Facilities as they are incurred.
- e. Upon annual implementation of revised rates under the Act, the Company will cease to accrue AFUDC on that component of its CWIP on which it is recovering its weighted average cost of capital through revised rates.
- f. The methodology used by the Company to calculate AFUDC rates during the construction phase is in accordance with the requirements of Federal Energy Regulatory Commission Order 561 (the Order).

Page Two

- g. The AFUDC rate of 5.68% which was used to estimate cost reductions for 2015 is the same rate that has been used to estimate cost reductions for the period from 2016 through the projected completion of the construction phase.
- h. The Order permits AFUDC to be compounded semi-annually during the construction period thus increasing the amount of CWIP that the Company would potentially be permitted to recover in rates; however, the Company has elected to not compound AFUDC for the Facilities.
- i. The cost to complete construction will meet or exceed the Company's approved budget, and completion of the construction phase will occur prior to the end of the second quarter of 2020.

We also performed such other procedures as we considered necessary in the circumstances.

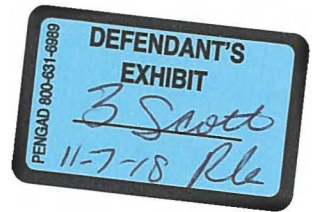
We believe that our examination provides a reasonable basis for our opinion.

In our opinion, managements' assertion referred to above is fairly stated, in all material respects, based on assumptions established by prevalent industry practice when developing revenue requirements for a utility.

This report is intended solely for the information and use of The South Carolina Office of Regulatory Staff and is not intended to be and should not be used by anyone other than this specified party.

Elliott Davis Decosimo, LLC

Columbia, South Carolina
January 8, 2016



From: Scott, Dukes <Dukes.Scott@regstaff.sc.gov>
Sent: Monday, April 11, 2016 10:22 AM
To: James, Anthony; Powell, Allyn; Gary Jones
Subject: Website
Attachments: 3-31-16 letter re vc summer.docx; ATT00000.txt

This is from our review committee letter which is already "public". Would you be ok with us putting it on our website? Dukes

March 31, 2016

The ORS continuously monitors the construction of V.C. Summer Nuclear Units 2 and 3 (Units). The Units, which are AP1000 plants, are evaluated on an ongoing basis for compliance with the approved budget and schedule. These monitoring activities are conducted through our ORS staff, led by Licensed Professional Engineer Anthony James;¹ Allyn Powell, Manager for Nuclear Programs;² and Certified Public Accountant Jay Jashinsky. We have also retained Gary Jones as our consultant to assist and advise the ORS.

Gary has over 45 years in the nuclear power industry, including 32 years with Sargent & Lundy (S&L) in Chicago, Illinois, where he served as owner and Senior Vice President for 16 years. He led the design and engineering on three major nuclear plants: LaSalle County (Commonwealth Edison); Marble Hill (Public Service Indiana); and Braidwood (Commonwealth Edison). In addition, Gary has provided engineering, design, and consulting services to over 50 nuclear power plants throughout the United States. He has extensive international project experience in Armenia, Canada, China, El Salvador, Finland, Hungary, Mexico, South Korea, and Ukraine. Gary also spent 2 ½ years with the International Atomic Energy Agency in Vienna, Austria. Gary is a Licensed Professional Engineer registered in Missouri and South Carolina.

As of this date,³ the following is an ORS assessment of the status of the Units.

In 2008, factors related to the federal and state regulatory and policy environment were favorable for construction of the Units. These factors included:

- An updated Nuclear Regulatory Commission (NRC) regulatory environment under 10 CFR 52, which allowed for issuance of a combined Construction and Operating License (COL) to both construct and operate a plant,
- A modular construction approach that allowed components to be fabricated in large sections, assembled at the construction site, and lifted into place using a crane or derrick,
- A design that would be certified by the NRC,
- Successful construction of similar AP1000 plants in China, with respect to both productivity and fabrication,

¹ Anthony also has a Master's Degree in Earth and Environmental Resources Management from USC's School of the Environment.

² Allyn holds a Bachelor of Science degree in Physics from the University of South Carolina Honors College and a Master of Science in Physics from William and Mary, with an area of study in nuclear and particle physics. Allyn has professional experience coordinating the state budget process for the South Carolina House of Representatives, and she served as lead staff for the South Carolina Governor's Nuclear Advisory Council.

³ We expect SCE&G to be filing for approval of the executed amendment, dated October 27, 2015, to the contract. This assessment is not an evaluation of the amendment as it is still under consideration and subject to ORS' ongoing evaluation.

- The 2007 Base Load Review Act (BLRA) in South Carolina that allowed stability and eased financing concerns,
- A federal regulatory environment that was increasingly focused on reducing the amount of greenhouse-gas-emitting power generation,
- An expected Unit 2 substantial completion date of April 1, 2016, and
- An Engineering, Procurement and Construction (EPC) contract that was a product of collaboration between the designer and a builder.

Our *actual* experience has been that:

- The federal regulatory environment has not been as good as hoped —
 - The issuance of the combined COL was delayed 9 months until March 30, 2012,
 - NRC oversight during construction has required strict literal compliance with regard to the approved design. This strict interpretation has resulted in the need for License Amendment Requests (LARs),
 - As the Units were the first plants to go through the Inspection, Testing, Analyses, and Acceptance Criteria (ITAAC) process, additional work has been required to define and refine the process, and
 - Experience in China could not be capitalized on as much as anticipated; the NRC offered only limited credit for testing done there.
- Fabricators were unable to reliably meet schedule and quality requirements, which led to the reassignment and de-scoping of fabricators,
- The certified design was not as complete as originally thought. Constructability reviews were inadequate in many cases, thus leading to continuing design changes. Also, compliance issues with codes and standards came to fruition. Change requests caused design alterations and change orders,
- Construction productivity rates were lower than planned and lower than those experienced in China,
- The actual experience with the EPC contract has been that changes in ownership and amendments have led to a less favorable environment,
- Cumulative SCE&G rate increases have occurred under the BLRA totaling \$1,054,796,800 to cover the cost of capital associated with the construction,
- Five filings⁴ by SCE&G have occurred since its original Base Load Review Order, to delay construction schedules and/or to add to the budget. Budget additions total to date \$1.15 billion,⁵ SCE&G's share in 2007 dollars,
- The Unit 2 substantial completion date has been delayed from April 1, 2016 to August 31, 2019,
- The BLRA has provided a stable financial environment for construction, and an independent study concluded that it reduces capital costs,
- Subsequent Environmental Protection Agency rulings have placed a greater focus on the need for non-greenhouse-gas-emitting generation,
- Inflation and interest rates have been favorable during the construction, and
- Construction of the Units has created as many as 3,700 jobs, and it is forecasted that approximately 800 permanent jobs will be added when the Units begin generating electricity.

Challenges to the project remain in several key areas, such as:

⁴ One filing was withdrawn prior to conclusion.

⁵ By order of the South Carolina Supreme Court, \$438 million (2007 dollars) in contingency was removed from the original budget.

- Managing the transition between EPC contract holders and integrating the new outside construction manager,
- Module construction, which continues to encounter constructability issues and runs behind schedule,
- Fabrication of some of the most complex structures in the plant has not yet begun,
- Productivity continues to be lower than needed to meet construction schedules,
- Mechanical, Electrical and Instrumentation & Controls installation, which is very complex, still lies ahead, and
- Federal regulatory compliance remains a challenge as—
 - More LARs are processed,
 - ITAAC (873/unit required; 20 on Unit 2 and 16 on Unit 3 submitted) closure remains an area of focus, and
 - The focus moves to operator training and operations-and-support staff readiness. -

In conclusion:

- The BLRA methodology reduces costs per an independent study;
- Nuclear is a diverse and ~~non-greenhouse-gas-emitting~~ source of power;
- The project faces significant, but not insurmountable, challenges; and
- Unit 3 will need substantial improvement to meet the deadline for federal tax credits.

The BLRA, as it presently exists, remains an essential element to success. It provides a stable environment that ensures financing. Further, these Units will provide South Carolina with non-greenhouse-gas-emitting power and diversity in power supply, both of which are critical to the future of this State.

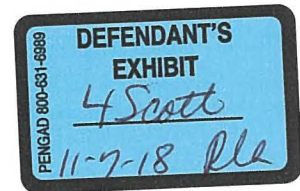
C. Dukes Scott
Executive Director
SC Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
Office: (803) 737-0805
Cell: (803) 463-6524
Fax: (803) 737-1900

From: Mitchell Willoughby <MWilloughby@WilloughbyHoefler.com>
Sent: Wednesday, April 01, 2015 10:42 AM
To: Edwards, Nanette; Scott, Dukes; HINSON, BYRON W; JACKSON, KENNETH R; Zeigler, Belton
Subject: Meeting:

***This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source.

Today at 5:15pm? At Fancy That? Nanette is back and plans to treat the group with pictures, tales of her travels, and a gift from her travels from the land of Tuscany. As you will recall, we agreed to meet this evening in lieu of Thursday evening as is our normal custom. Hope all can join.

Mitch

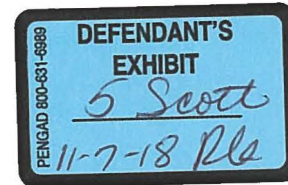


BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA
DOCKET NOS. 2017-207-E, 2017-305-E, AND 2017-370-E

In Re: Friends of the Earth and Sierra Club,
Complainants/Petitioners v. South Carolina
Electric & Gas Company,
Defendant/Respondent

In Re: Request of the Office of Regulatory
Staff for Rate Relief to South Carolina
Electric & Gas Company's Rates Pursuant to
S.C. Code Ann. § 58-27-920

In Re: Joint Application and Petition of South
Carolina Electric & Gas Company and
Dominion Energy, Inc., for review and
approval of a proposed business combination
between SCANA Corporation and Dominion
Energy, Inc., as may be required, and for a
prudency determination regarding the
abandonment of the V.C. Summer Units 2 &
3 Project and associated customer benefits
and cost recovery plan.



**ORS'S ANSWERS TO FIRST SET OF
REQUESTS FOR ADMISSION, SECOND
SET OF INTEROGATORIES, AND
SECOND SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
(AMENDED)**

TO: ATTORNEYS FOR SOUTH CAROLINA ELECTRIC & GAS COMPANY:

GENERAL OBJECTIONS TO THE REQUESTS FOR ADMISSIONS BELOW

1. The South Carolina Office of Regulatory Staff ("ORS") objects to the requests for admission because they purport to require the identification of a "responsible person" in response to each request for admission. Rule 36 of the SCRCP does not require a party to identify a "responsible person" in response to each request for admission.
2. The ORS objects to the definition of the ORS as including its "predecessors, subsidiaries, related entities" and former directors and former employees as unwarranted and beyond the discovery obligations of the SCRCP.

3. The ORS objects to the requests for admission because they demand a response within 20 days of service. Commission regulations do not reference requests for admission, thus, requests for admission are governed by SCRCP 36, which permit 30 days to respond.

RESPONSES TO REQUESTS FOR ADMISSION

Request for Admission 1-1: Admit that during August 2015, you were aware that Bechtel was assessing the NND Project.

Response to Request for Admission 1-1: Denied.

Request for Admission 1-2: Admit that during September 2015, you were aware that Bechtel was conducting an assessment of the NND Project.

Response to Request for Admission 1-2: Denied.

Request for Admission 1-3: Admit that you knew about the existence of the 2015 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-3: Denied.

Request for Admission 1-4: Admit that you had been informed of some or all of the findings set forth in the 2015 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-4: ORS objects to this Request for Admission because the phrase "some or all of the findings" is vague, ambiguous, and imprecise. ORS cannot answer the request because it is not clear what "findings" the request refers to and whether the admission is for knowledge of some or all of such findings. Denied as to the 2015 Bechtel Report.

Request for Admission 1-5: Admit that you knew about the existence of the 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-5: Denied.

Request for Admission 1-6: Admit that you knew about some or all of the findings set forth in 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-6: ORS objects to this Request for Admission because the phrase "some or all of the findings" is vague, ambiguous, and imprecise. ORS cannot answer the request because it is not clear what "findings" the request refers to and whether the admission is for knowledge of some or all of such findings. Denied as to the 2016 Bechtel Report.

Request for Admission 1-7: Admit that you were aware of each of the challenges to the NND Project that are set forth in the 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-7: ORS objects to this Request for Admission because the phrase "each of the challenges" is vague, ambiguous, and imprecise. ORS cannot answer the request because it is not clear what "challenges" the request refers to and whether the admission is for awareness of some or all of such "challenges." Denied as to the 2016 Bechtel Report.

Request for Admission 1-8: Admit that Santee Cooper informed you about the existence of the 2015 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-8: Denied.

Request for Admission 1-9: Admit that Santee Cooper informed you of the findings set forth in the 2015 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-9: Denied.

Request for Admission 1-10: Admit that Santee Cooper informed you about the existence of the 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-10: Denied.

Request for Admission 1-11: Admit that Santee Cooper informed you of the findings set forth in the 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-11: ORS objects to this Request for Admission because the term “findings” is vague, ambiguous, and imprecise. ORS cannot answer the request because it is not clear what “findings” the request refers to and whether the admission is for information of some or all of such findings. Denied as to the 2016 Bechtel Report.

Request for Admission 1-12: Admit that ECSC informed you about the existence of the 2015 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-12: Denied.

Request for Admission 1-13: Admit that ECSC informed you of the findings set forth in the 2015 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-13: ORS objects to this Request for Admission because the term “findings” is vague, ambiguous, and imprecise. ORS cannot answer the request because it is not clear what “findings” the request refers to and whether the admission is for information of some or all of such findings. Denied as to the 2015 Bechtel Report.

Request for Admission 1-14: Admit that ECSC informed you about the existence of the 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-14: Denied.

Request for Admission 1-15: Admit that ECSC informed you of the findings set forth in the 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-15: ORS objects to this Request for Admission because the term “findings” is vague, ambiguous, and imprecise. ORS cannot answer the request because

it is not clear what "findings" the request refers to and whether the admission is for information of some or all of such findings. Denied as to the 2016 Bechtel Report.

Request for Admission 1-16: Admit that Central Electric informed you about the existence of the 2015 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-16: Denied.

Request for Admission 1-17: Admit that Central Electric informed you of the findings set forth in the 2015 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-17: ORS objects to this Request for Admission because the term "findings" is vague, ambiguous, and imprecise. ORS cannot answer the request because it is not clear what "findings" the request refers to and whether the admission is for information of some or all of such findings. Denied as to the 2015 Bechtel Report.

Request for Admission 1-18: Admit that Central Electric informed you about the existence of the 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-18: Denied.

Request for Admission 1-19: Admit that Central Electric informed you of the findings set forth in the 2016 Bechtel Report prior to the hearing held in the 2016 NND Update Docket.

Response to Request for Admission 1-19: ORS objects to this Request for Admission because the term "findings" is vague, ambiguous, and imprecise. ORS cannot answer the request because it is not clear what "findings" the request refers to and whether the admission is for information of some or all of such findings. Denied as to the 2016 Bechtel Report.

Request for Admission 1-20: Admit that that at SCE&G's request, you were reviewed and proposed changes to a draft of the BLRA before it was introduced before the General Assembly of the State of South Carolina.

Response to Request for Admission 1-20: ORS objects to this Request for Admission because the phrase “you were reviewed” is vague, ambiguous, unclear and imprecise. ORS assumes the request means “you reviewed” rather than “you were reviewed.” Subject to this clarification, admitted.

Request for Admission 1-21: Admit that that you were actively involved in the drafting and review of the BLRA while it was being proposed and considered by the General Assembly of the State of South Carolina.

Response to Request for Admission 1-21: ORS objects and will not respond to this request on the ground that South Carolina Rule of Civil Procedure 36(c) provides that, “the total number of all requests [for admission] to one party shall not exceed twenty requests, including subparts, except by leave of court upon good cause shown.” ORS also objects to this Request for Admission because the phrase “actively involved” is vague, ambiguous, unclear and imprecise, and open to multiple subjective interpretations.

Request for Admission 1-22: Admit that that you proposed a number of provision and amendments to the draft of the BLRA which were incorporated into the final draft of the BLRA.

Response to Request for Admission 1-22: ORS objects and will not respond to this request on the ground that South Carolina Rule of Civil Procedure 36(c) provides that, “the total number of all requests [for admission] to one party shall not exceed twenty requests, including subparts, except by leave of court upon good cause shown.” ORS also objects to this Request for Admission because the request regarding “a number of provision and amendments” is vague, ambiguous, unclear, imprecise, and open to multiple subjective interpretations.

Request for Admission 1-23: Admit that that key leaders of the General Assembly indicated that the BLRA would not advance through committee and subcommittee without your approval as to its terms.

Response to Request for Admission 1-23: ORS objects and will not respond to this request on the ground that South Carolina Rule of Civil Procedure 36(c) provides that, "the total number of all requests [for admission] to one party shall not exceed twenty requests, including subparts, except by leave of court upon good cause shown." ORS also objects to this Request for Admission because the phrase "key leaders of the General Assembly" is vague, ambiguous, unclear and imprecise.

Request for Admission 1-24: Admit that that the changes you proposed to the draft of the BLRA which were incorporated into the final draft of the BLRA included additional protections for customers, additional resources for your oversight of projects, and provisions imposing clear burdens of proof on the utility.

Response to Request for Admission 1-24: ORS objects and will not respond to this request on the ground that South Carolina Rule of Civil Procedure 36(c) provides that, "the total number of all requests [for admission] to one party shall not exceed twenty requests, including subparts, except by leave of court upon good cause shown."

Request for Admission 1-25: Admit that that you publicly spoke in favor of the adoption of the BLRA before committees and subcommittees of the General Assembly of the State of South Carolina.

Response to Request for Admission 1-25: ORS objects and will not respond to this request on the ground that South Carolina Rule of Civil Procedure 36(c) provides that, "the total number of all requests [for admission] to one party shall not exceed twenty requests, including subparts,

except by leave of court upon good cause shown.” ORS also objects to this Request for Admission because the phrase “you publicly spoke” is vague, ambiguous, unclear, imprecise, and open to multiple interpretations.

Request for Admission 1-26: Admit that that you never raised any concerns about the constitutionality of the BLRA while it was being considered by the General Assembly of the State of South Carolina.

Response to Request for Admission 1-26: ORS objects and will not respond to this request on the ground that South Carolina Rule of Civil Procedure 36(c) provides that, “the total number of all requests [for admission] to one party shall not exceed twenty requests, including subparts, except by leave of court upon good cause shown.” ORS also objects to this Request for Admission because the phrase “raised any concerns” is vague, ambiguous, unclear, imprecise, and open to multiple interpretations.

Request for Admission 1-27: Admit that that you never raised any concerns about the constitutionality of the BLRA prior to March 28, 2017.

Response to Request for Admission 1-27: ORS objects and will not respond to this request on the ground that South Carolina Rule of Civil Procedure 36(c) provides that, “the total number of all requests [for admission] to one party shall not exceed twenty requests, including subparts, except by leave of court upon good cause shown.” ORS also objects to this Request for Admission because the phrase “key leaders of the General Assembly” is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. ORS also objects to this Request for Admission because the phrase “raised any concerns” is vague, ambiguous, unclear, imprecise, and open to multiple interpretations.

GENERAL OBJECTIONS TO THE INTERROGATORIES BELOW

1. The South Carolina Office of Regulatory Staff ("ORS") interprets the request for identification of a "responsible person" as a request that the responses be "subscribed by an appropriate verification." See 10 S.C. Ann. Regs. 103-833(C). Thus, the ORS has provided appropriate verification at the end of these responses.
2. The ORS objects to the definition of the ORS as including its "predecessors, subsidiaries, related entities" and former directors and former employees as unwarranted and beyond discovery obligations.

INTERROGATORY RESPONSES

Interrogatory 1-1: State with specificity the date on which you first learned that Bechtel was conducting a review of the NND Project.

Response to Interrogatory 1-1: ORS objects to this interrogatory because the term "you first learned" is ambiguous and open to multiple interpretations in this context. Subject to and without waiver of the foregoing objections, ORS states that in early 2015 Gary Jones learned from Skip Smith that SCE&G was considering candidates to perform an independent overall assessment. However, Mr. Jones was never informed that SCE&G had decided to go forward with the assessment. At the NND/ORS monthly meeting on August 26, 2015, Gene Soult was only informed that SCE&G's legal office was handling an external review; and at that time, he did not know the identity of the external reviewer or any information about the scope of the review. On October 15, 2015, Mr. Soult attended a plan of the day ("POD") session in which an unknown individual made comments that indicated he had participated in an assessment of the project. As the individual finished his statement, he and another unknown

individual picked up hats which were labeled with "Bechtel." This event made Mr. Soult think that Bechtel may have conducted some type of review of the project.

Mr. Soult mentioned the statement at the POD session to ORS staff, which led Mr. Jones to make the following entry on the agenda for the October 27, 2015 ORS/NND meeting: "Discuss the Status of the Bechtel Assessment and the top ten issues noted thus far" and to request a copy of the written report from the assessment. In response, some SCE&G representatives stated that they "don't know anything" and were "not briefed by Management." Mr. Smith advised Mr. Jones that Bechtel had performed a high-level overview, had only discussed the review with senior executives, and that he was not aware of the scope or results of Bechtel's assessment and would probably not become privy to that information. Mr. Smith also stated that there were no written reports and that none were planned.

The topic was again brought up at the November 17, 2015 Commercial Review Session, and SCE&G representatives again stated they were not involved and had no news regarding any such assessment. ORS again asked about a report or assessment at a later ORS/NND meeting, and the NND-GM stated "it was not SCE&G's report, it belonged to Santee Cooper."

On March 4, 2016, ORS sent the following Audit Information Request pursuant to S.C. Code Ann. § 58-4-55, 58-27-160, 58-27-1570, 58-33-230, and 58-33-277 to SCE&G that should have caused Bechtel's work and reports to be identified, but it was not:

Request 1-32: Has SCE&G decided to retain the services of a Project Consultant as allowed in the Agreement? What are the costs associated with these services? Are these costs included in the current estimate of the Owner's Cost? Has a contract been awarded? If so, to whom? If this decision has not yet been made, please advise the target schedule for making a decision or implementing this service.

On March 24, 2016, SCE&G responded to Request 1-32:

Yes. SCE&G has decided to retain the services of at least two project consultants for consultation as to the process for the selection of construction payment milestones. One of the consultants, Work Management, Inc., has already performed its services, and SCE&G expects that the cost of those services will be less than \$ 5,000. The second company has not yet signed a contract or provided any services, but the costs should not exceed \$25,000. There are sufficient funds in the Owner's Cost category to cover these amounts.

On June 24, 2016, SCE&G provided a supplemental response to Request 1-32:

SCE&G retained the consulting services of Work Management, Inc., concerning the selection of construction payment milestones. These consulting services were provided at no cost to SCE&G. With regard to the second consultant company referenced in Response 1-32, SCE&G has elected not to pursue the hiring of this company.

Although the objectives stated in all known versions of the Bechtel Report show that Bechtel was operating as a project consultant, Bechtel was not included in the answer to these requests. On or about August 22, 2017, SCANA and Santee Cooper officials admitted publicly for the first time that Bechtel performed an assessment and a report was prepared. A SCANA representative then stated that the Bechtel report was confidential and privileged.

Interrogatory 1-2: Identify the person(s) from whom you first learned about the existence of Bechtel's review of the NND Project.

Response to Interrogatory 1-2: See Response to Interrogatory 1-1.

Interrogatory 1-3: State with specificity the date on which you first learned about the existence of the 2015 Bechtel Report. For purposes of this Interrogatory and the interrogatories that follow it, the 2015 Bechtel Report refers specifically to "Project Assessment Report" written by Bechtel and dated November 9, 2015, not the fact that Bechtel was conducting a review of the NND Project.

Response to Interrogatory 1-3: See Response to Interrogatory 1-1. ORS first learned of the existence of the 2015 Bechtel Report during interviews with the Federal Bureau of Investigation, which occurred after September 2017.

Interrogatory 1-4: Identify the person(s) from whom you first learned about the existence of the 2015 Bechtel Report.

Response to Interrogatory 1-4: See Response to Interrogatory 1-1 and 1-3.

Interrogatory 1-5: Identify the manner in which you learned about the existence of the 2015 Bechtel Report (*e.g.*, phone call, e-mail, in-person meeting).

Response to Interrogatory 1-5: See Response to Interrogatory 1-1 and 1-3.

Interrogatory 1-6: State with specificity the date on which you first learned about the existence of the 2016 Bechtel Report. For purposes of this Interrogatory and the interrogatories that follow it, the 2016 Bechtel Report refers specifically to "Project Assessment Report" written by Bechtel and dated February 5, 2016, not the fact that Bechtel was conducting a review of the NND Project.

Response to Interrogatory 1-6i See Response to Interrogatory 1-1. Upon information and belief, ORS first learned of the existence of the 2016 Bechtel Report, and ultimately obtained the 2016 Bechtel Report, after the Senate hearing in which SCE&G was first asked about the report. ORS asked SCE&G counsel for the report but was told it was privileged and would not be provided. ORS obtained the 2016 Bechtel report by downloading it from the Post and Courier newspaper website on or about September 4, 2017.

Interrogatory 1-7: Identify the person(s) from whom you first learned about the existence of the 2016 Bechtel Report.

Response to Interrogatory 1-7: See Response to Interrogatory 1-1 and 1-6.

Interrogatory 1-8: Identify the manner in which you learned about the existence of the 2016 Bechtel Report (*e.g.*, phone call, e-mail, in-person meeting).

Response to Interrogatory 1-8: See Response to Interrogatory 1-1 and 1-6.

Interrogatory 1-9: State with specificity the date on which you were first informed of any of the findings set forth in the 2015 Bechtel Report.

Response to Interrogatory 1-9: ORS objects to this Interrogatory because the phrase “any of the findings” is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. ORS cannot answer the Interrogatory without specification of what “findings” SCE&G is referring to.

Interrogatory 1-10: Identify the person(s) from whom you first learned about any of the findings set forth in the 2015 Bechtel Report.

Response to Interrogatory 1-10: See objections to Interrogatory 1-9. As to the Report, see Response to Interrogatory 1-1, 1-3 and 1-6.

Interrogatory 1-11: Identify the manner in which you learned about any of the findings set forth in the 2015 Bechtel Report (*e.g.*, phone call, e-mail, in-person meeting).

Response to Interrogatory 1-11: See objections to Interrogatory 1-9. As to the Report, see Response to Interrogatory 1-1, 1-3 and 1-6.

Interrogatory 1-12: State with specificity the date on which you were first informed of any of the findings set forth in 2016 Bechtel Report.

Response to Interrogatory 1-12: See objections to Interrogatory 1-9. As to the Report, see Response to Interrogatory 1-1, 1-3 and 1-6.

Interrogatory 1-13: Identify the person(s) from whom you first learned about any of the findings set forth in the 2016 Bechtel Report.

Response to Interrogatory 1-13: See objections to Interrogatory 1-9. As to the Report, see Response to Interrogatory 1-1, 1-3 and 1-6.

Interrogatory 1-14: Identify the manner in which you learned about any of the findings set forth in the 2016 Bechtel Report (*e.g.*, phone call, e-mail, in-person meeting).

Response to Interrogatory 1-14: See objections to Interrogatory 1-9. As to the Report, see Response to Interrogatory 1-1, 1-3 and 1-6.

Interrogatory 1-15: State with specificity the date on which you first reviewed any portion of the 2015 Bechtel Report.

Response to Interrogatory 1-15: See Response to Interrogatory 1-1 and 1-3.

Interrogatory 1-16: State with specificity the date on which you first reviewed any portion of the 2016 Bechtel Report.

Response to Interrogatory 1-16: See Response to Interrogatory 1-1 and 1-6. On May 16, 2018, ORS requested the standalone Bechtel Schedule Report and was told it was privileged. (See NND Request; RCT-06).

Interrogatory 1-17: Describe with particularity the source of information and the manner in which you obtained the information which lead you to include as part of your "SCE&G VC Summer Units 2 & 3 October 27 & 28, 2015 Site Visit" the following: "Discuss the Status of the Bechtel Assessment and the top ten issues noted thus far."

Response to Interrogatory 1-17: See Response to Interrogatory 1-1.

Interrogatory 1-18: Describe with particularity why the following entry, "Discuss the Status of the Bechtel Assessment and the top ten issues noted thus far" was removed from the ORS/SCE&G monthly agenda for the monthly oversight meeting between SCE&G and ORS that followed the October 27 & 28, 2015 Site Visit monthly meeting.

Response to Interrogatory 1-18: See Response to Interrogatory 1-1.

Interrogatory 1-19: Describe with particularity why you did not pursue the further inquiry concerning "the Status of the Bechtel Assessment" after it was removed from the ORS/SCE&G monthly agenda.

Response to Interrogatory 1-19: See Response to Interrogatory 1-1.

Interrogatory 1-20: Did anyone who was present in the October 27 & 28, 2015 Site Visit monthly oversight meeting between ORS and SCE&G ever raise the issue of the Bechtel Assessment with C. Dukes Scott? If so, when? Describe with particularity his response.

Response to Interrogatory 1-20: ORS does not know.

Interrogatory 1-21: Did anyone who was present in the October 27 & 28, 2015 Site Visit monthly oversight meeting between ORS and SCE&G ever raise the issue of the Bechtel Assessment with Nanette S. Edwards? If so, when? Describe with particularity his response.

Response to Interrogatory 1-21: Not prior to preparation in this litigation, subject to attorney-client privilege and work product protection.

Interrogatory 1-22: To the extent that you deny Request for Admission 1-5, please set forth with particularity each and every challenge faced by the NND Project, as set forth in the 2016 Bechtel Report, that was not known to you prior to the hearing held in the 2016 NND Update Docket.

Response to Interrogatory 1-22: ORS objects to this Interrogatory because the phrase "each and every challenge" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. ORS cannot answer the Interrogatory without specification of what "challenges" SCE&G is referring to.

Interrogatory 1-23: State with specificity the dates on which you met with Santee Cooper between January 1, 2015, and December 31, 2016.

Response to Interrogatory 1-23: ORS objects to this Interrogatory because the phrase "met with" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. Subject to and without waiver of the foregoing objections, ORS states that ORS records show that officials

from ORS did not have any in-person meetings with Santee Cooper between January 1, 2015, and December 31, 2016, regarding the BLRA or the NND Project.

Interrogatory 1-24: Please identify the persons who attended each of your meetings with Santee Cooper between January 1, 2015, and December 31, 2016.

Response to Interrogatory 1-24: ORS objects to this Interrogatory because the phrase "meetings" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. Subject to and without waiver of the foregoing objections, ORS states that ORS records show that ORS did not have any in-person meetings with Santee Cooper between January 1, 2015, and December 31, 2016, regarding the BLRA or the NND Project.

Interrogatory 1-25: State with specificity the dates on which you met with ECSC between January 1, 2015, and December 31, 2016.

Response to Interrogatory 1-25: ORS objects to this Interrogatory because the phrase "met with" is vague, ambiguous, unclear, imprecise, and open to multiple subject interpretations. Subject to and without waiver of the foregoing objections, ORS states that ORS records show that officials from ORS had in-person meetings with officials from ECSC regarding the NND Project generally every month.

Interrogatory 1-26: Please identify the persons who attended each of your meetings with ECSC in 2015 between January 1, 2015, and December 31, 2016.

Response to Interrogatory 1-26: ORS objects to this Interrogatory because the phrase "meetings" is vague, ambiguous, unclear, imprecise, and open to multiple subjective interpretations. Subject to and without waiver of the foregoing objections, ORS states generally the following ORS officials were present at in-person meetings regarding the NND Project with

officials from ECSC: Dukes Scott, Gary Jones, and Allyn Powell. On an irregular basis, Nanette Edwards, Anthony James, and Shannon Hudson also attended for ORS.

Interrogatory 1-27: State with specificity the date on which you met with Central Electric between January 1, 2015, and December 31, 2016.

Response to Interrogatory 1-27: ORS objects to this Interrogatory because the phrase “met with” is vague, ambiguous, unclear, imprecise, and open to multiple subjective interpretations. Subject to and without waiver of the foregoing objections, ORS states that ORS records show that officials from ORS had in-person meetings with officials from Central Electric regarding the NND Project generally every month.

Interrogatory 1-28: Please identify the persons who attended each of your meetings with Central Electric between January 1, 2015, and December 31, 2016.

Response to Interrogatory 1-28: ORS objects to this Interrogatory because the phrase “meetings” is vague, ambiguous, unclear, imprecise, and open to multiple subjective interpretations. Subject to and without waiver of the foregoing objections, ORS states generally the following ORS officials were present at in-person meetings regarding the NND Project with officials from Central Electric: Dukes Scott, Gary Jones, and Allyn Powell. On an irregular basis, Nanette Edwards, Anthony James, and Shannon Hudson also attended for ORS.

Interrogatory 1-29: State with specificity the date on which Santee Cooper first informed you of the findings set forth in the 2015 Bechtel Report.

Response to Interrogatory 1-29: ORS objects to this Interrogatory because the term “findings” is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. Subject to and without waiver of the foregoing objections, see Response to Interrogatory 1-1 and 1-3.

Interrogatory 1-30: State with specificity the date on which Santee Cooper first informed you of the findings set forth in the 2016 Bechtel Report.

Response to Interrogatory 1-30: ORS objects to this Interrogatory because the term "findings" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. Subject to and without waiver of the foregoing objections, see Response to Interrogatory 1-1 and 1-6.

Interrogatory 1-31: State with specificity the date on which ECSC first informed you of the findings set forth in the 2015 Bechtel Report.

Response to Interrogatory 1-31: ORS objects to this Interrogatory because the term "findings" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. Subject to and without waiver of the foregoing objections, ECSC did not inform ORS of any information in the 2015 Bechtel Report. See Response to Interrogatory 1-1 and 1-3.

Interrogatory 1-32: State with specificity the date on which ECSC first informed you of the findings set forth in the 2016 Bechtel Report.

Response to Interrogatory 1-32: ORS objects to this Interrogatory because the term "findings" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. Subject to and without waiver of the foregoing objections, ECSC did not inform ORS of any information in the 2016 Bechtel Report. See Response to Interrogatory 1-1 and 1-6.

Interrogatory 1-33: State with specificity the date on which Central Electric first informed you of the findings set forth in the 2015 Bechtel Report.

Response to Interrogatory 1-33: ORS objects to this Interrogatory because the term "findings" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. Subject to and without waiver of the foregoing objections, Central Electric did not inform ORS of any information in the 2015 Bechtel Report. See Response to Interrogatory 1-1 and 1-3.

Interrogatory 1-34: State with specificity the date on which Central Electric first informed you of the findings set forth in the 2016 Bechtel Report.

Response to Interrogatory 1-34: ORS objects to this Interrogatory because the term “findings” is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. Subject to and without waiver of the foregoing objections, Central Electric did not inform ORS of any information in the 2016 Bechtel Report. See Response to Interrogatory 1-1 and 1-6.

Interrogatory 1-35: Identify every party with whom you contend you have, or have had, a joint defense agreement or a common interest agreement with respect to any of the following actions:

1. The Prudency of Abandonment Case
2. The Prudency Determination Case
3. The Rate Relief Case
4. The Merger Approval Case

Response to Interrogatory 1-35: ORS objects because the interrogatory seeks information not relevant to the issues in these proceedings. Subject to and without waiver of the foregoing objections, ORS states that it believes it has a common interest with every party in the identified proceedings except for SCE&G, Dominion Energy, and Santee Cooper.

Interrogatory 1-36: State with specificity the date on which you contend each joint defense agreement or common interest agreement identified in response to Interrogatory 1-29 was entered into.

Response to Interrogatory 1-36: ORS objects because the interrogatory seeks information not relevant to the issues in these proceedings. ORS objects because Interrogatory 1-29 does not reference any joint defense agreement or common interest agreement. Subject to and without waiver of the foregoing objections and assuming the Interrogatory intends to reference

Interrogatory 1-35, ORS states that it believes the common interest has existed since abandonment and the outset of the litigation.

Interrogatory 1-37: Identify and describe every presentation that you made to the SCEUC at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Interrogatory 1-37: ORS objects to this Interrogatory because the phrase "presentation" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. ORS also objects because the interrogatory is overbroad and unduly burdensome. Subject to and without waiver of the foregoing objections and pursuant to SCRCP 33(c), see PowerPoint presentations enclosed.

Interrogatory 1-38: Identify and describe every presentation that you made to the PURC at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Interrogatory 1-38: ORS objects to this Interrogatory because the phrase "presentation" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. ORS also objects because the interrogatory is overbroad and unduly burdensome. Subject to and without waiver of the foregoing objections and pursuant to SCRCP 33(c), ORS is searching its records for any presentations made to PURC.

Interrogatory 1-39: Identify and describe every presentation that you made to the Energy Advisory Council at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Interrogatory 1-39: ORS objects to this Interrogatory because the phrase "presentation" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. ORS

also objects because the interrogatory is overbroad and unduly burdensome. Subject to and without waiver of the foregoing objections, ORS is not currently aware of any such presentations but will supplement this response if it becomes aware of any such presentations.

Interrogatory 1-40: Identify and describe every presentation that you made to the LCI Committee or any of its subcommittees at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Interrogatory 1-40: ORS objects to this Interrogatory because the phrase "presentation" is vague, ambiguous, unclear, imprecise, and open to multiple interpretations. ORS also objects because the interrogatory is overbroad and unduly burdensome. Subject to and without waiver of the foregoing objections, ORS is not currently aware of any such presentations but will supplement this response if it becomes aware of any such presentations.

Interrogatory 1-41: Identify and describe every report, letter, briefing paper, or other communication that you made or sent to the PURC at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Interrogatory 1-41: ORS objects to this Interrogatory on the ground that it is overbroad and unduly burdensome. Subject to and without waiver of the foregoing objections and pursuant to SCRCP 33(c), ORS will produce non-privileged and public accountability reports, PURC reports and Review letters that reference the NND Project.

Interrogatory 1-42: Identify and describe every report, letter, briefing paper, or other communication that you made or sent to the Energy Advisory Council at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Interrogatory 1-42: ORS objects to this Interrogatory on the ground that it is overbroad and unduly burdensome. Subject to and without waiver of the foregoing objections,

ORS is not currently aware of any such reports but will supplement this response if it becomes aware of any such reports.

Interrogatory 1-43: Identify and describe every report, letter, briefing paper, or other communication that you made or sent to the LCI Committee or any of its subcommittees at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Interrogatory 1-43: ORS objects to this Interrogatory on the ground that it is overbroad and unduly burdensome. Subject to and without waiver of the foregoing objections, ORS is not currently aware of any such reports but will supplement this response if it becomes aware of any such reports.

Interrogatory 1-44: Identify and describe every report, letter, briefing paper, or other communication that you made or sent to the Governor's Office or the Governor of the State of South Carolina at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Interrogatory 1-44: ORS objects to this Interrogatory on the ground that it is overbroad and unduly burdensome. ORS further objects on the ground of the common interest extension of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request.

Interrogatory 1-45: Identify and describe every communication that you have had with any of the following regarding the Prudency of Abandonment Case:

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Interrogatory 1-45: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. ORS objects on the ground that when a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced. Based on these objections, ORS will not respond to the request.

Interrogatory 1-46: Identify and describe every communication that you have had with any of the following regarding the Prudency Determination Case:

1. The Governor of South Carolina

2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Interrogatory 1-46: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that “the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown.” SCE&G’s prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request.

Interrogatory 1-47: Identify and describe every communication that you have had with any of the following regarding the Rate Relief Case:

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC

6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Interrogatory 1-47: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that “the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown.” SCE&G’s prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. ORS objects on the ground that when a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced. Based on these objections, ORS will not respond to the request.

Interrogatory 1-48: Identify and describe every communication that you have had with any of the following regarding the Merger Approval Case:

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA

7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Interrogatory 1-48: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCF 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request. .

Interrogatory 1-49: Identify and describe every communication that you have had with any of the following regarding the NND Project:

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Interrogatory 1-49: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. ORS objects on the ground that when a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced. Based on these objections, ORS will not respond to the request.

Interrogatory 1-50: Identify and describe every communication that you have had with any of the following regarding the Act No. 285 and the bills:

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Interrogatory 1-50: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. ORS objects on the ground that when a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced. Based on these objections, ORS will not respond to the request.

Interrogatory 1-51: Identify and describe each and every presentation that you made to each of the following between March 30, 2009, and the present, in which the NND Project was discussed.

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly

Response to Interrogatory 1-51: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories

(including the eight interrogatories in its first set) exceeds this limit. ORS objects on the ground that when a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced. Based on these objections, ORS will not respond to the request.

Interrogatory 1-52: Identify and describe each and every presentation that you made to each of the following between January 1, 2008, and the present, in which the BLRA was discussed.

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly

Response to Interrogatory 1-52i ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request.

Interrogatory 1-53: Identify and describe each and every presentation that you made to each of the following between January 1, 2015, and the present, in which the Clean Power Plan was discussed.

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina

3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Interrogatory 1-53: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCF 33(b)(9) provides that “the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown.” SCE&G’s prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. ORS objects on the ground that when a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced. Based on these objections, ORS will not respond to the request.

Interrogatory 1-54: Identify and describe every communication in which you raised any concerns about the constitutionality of the BLRA prior to March 28, 2017.

Response to Interrogatory 1-54: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work

product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that “the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown.” SCE&G’s prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request.

Interrogatory 1-55: Identify and describe every communication in which you stated that completion of the Project would not be in customers' best interest prior to March 28, 2017.

Response to Interrogatory 1-55: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that “the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown.” SCE&G’s prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request.

Interrogatory 1-56: Identify and describe every communication in which you stated that completion of the Project would be in customers' best interest before or after March 28, 2017.

Response to Interrogatory 1-56: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that “the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown.” SCE&G’s prior interrogatories

(including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request.

Interrogatory 1-57: Identify and describe every communication in which you identify or describe the benefits of the Project for SCE&G's customers or the State of South Carolina.

Response to Interrogatory 1-57: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request.

Interrogatory 1-58: Identify and describe every communication in which you identify or describe the benefits of the BLRA for electric customers or the State of South Carolina.

Response to Interrogatory 1-58: ORS objects to this Interrogatory on the ground that it is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS further objects on the ground of the attorney-client privilege and the work product doctrine. ORS further objects that on the ground that SCRCP 33(b)(9) provides that "the total number of general interrogatories to any one party shall not exceed fifty questions including subparts, except by leave of court upon good cause shown." SCE&G's prior interrogatories (including the eight interrogatories in its first set) exceeds this limit. Based on these objections, ORS will not respond to the request.

GENERAL OBJECTIONS TO THE REQUESTS FOR PRODUCTION BELOW

1. The South Carolina Office of Regulatory Staff ("ORS") interprets the request for identification of a "responsible person" as a request that the responses be "subscribed by an appropriate verification." *See* 10 S.C. Ann. Regs. 103-833(C). Thus, the ORS has provided appropriate verification at the end of these responses.
2. The ORS objects to the definition of the ORS as including its "predecessors, subsidiaries, related entities" and former directors and former employees. The rules provide that a party is only required to produce documents "which are in the possession, custody or control of the party upon whom the request is served." SCRCP 34(a).

In addition to these general objections, ORS does not intend by producing any documents or information to waive by production any privilege or protection associated with documents that are otherwise privileged or protected. In the event that documents ORS deems privileged or otherwise protected are produced, the production, unless otherwise expressly stated to the contrary in writing at the time of production, is inadvertent and shall be deemed to be null, void, and of no legal consequence. In addition, SCE&G's and Dominion's attorneys are directed to refrain from reading or copying any such document if they have been advised of the nature of the document by ORS, or, if they have not been so advised, are directed to refrain from reading or copying any such document beyond the point of discovery or reasonably should know of the privileged or protected nature of such document. SCE&G's and Dominion's attorneys are further directed to return each such document without making copies or divulging the contents to any person, including but not limited to SCE&G and Dominion.

No disclosure of documents or information protected by the attorney-client privilege, the work product doctrine, or any other privilege or protection from disclosure is intended to or shall

result in a waiver of the privilege or protection except under the circumstances provided in SCRCP 26(b)(5)(B) and Federal Rule of Evidence 502. In the event of any unintentional or inadvertent disclosure of material subject to a claim of privilege or protection from disclosure, the parties agree that all paper and electronic copies of such material (including paper or electronic copies of such material provided to the receiving party's counsel, experts, consultants, or vendors) shall be destroyed or returned to the party who produced it within ten (10) business days after receiving written notice from the producing party of the unintentional or inadvertent disclosure.

RESPONSES TO REQUESTS FOR PRODUCTION

Subject to these objections and preservation of inadvertent disclosure of protected and privileged documents, ORS responds to SCE&G's Request for Productions as follows:

Request for Production 1-1: Produce copies of every joint defense agreement or common interest agreement that you entered into with at least one of the following:

1. Friends of the Earth
2. Sierra Club
3. Central Electric
4. ECSC

for the period between January 1, 2015, and the present, related to the Prudency of Abandonment Case, the Prudency Determination Case, the Rate Relief Case, or the Merger Approval Case.

Response to Request for Production 1-1: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the basis of the common interest doctrine extension of the

attorney-client privilege. ORS objects on the ground that a common interest agreement does not need to be reduced to writing. Based on these objections, ORS will not produce documents in response to the request.

Request for Production 1-2: Produce all documents and communications, including e-mails, that you contend evidence the existence of a joint defense agreement or a common interest agreement between you and at least one of the following:

1. Friends of the Earth
2. Sierra Club
3. Central Electric
4. ECSC

for the period between January 1, 2015, and the present, related to the Prudency of Abandonment Case, the Prudency Determination Case, the Rate Relief Case, or the Merger Approval Case.

Response to Request for Production 1-2: See Response to Request 1-1.

Request for Production 1-3: Produce copies of every joint defense agreement or common interest agreement that you entered into with any party related to at least one of the following:

1. The Prudency of Abandonment Case
2. The Prudency Determination Case
3. The Rate Relief Case
4. The Merger Approval Case

for the period between January 1, 2015, and the present.

Response to Request for Production 1-3: See Response to Request 1-1.

Request for Production 1-4: Produce all documents and communications, including e-mails, that you contend evidence the existence of a joint defense agreement or a common interest agreement between you and any other party related to at least one of the following:

1. The Prudency of Abandonment Case
2. The Prudency Determination Case
3. The Rate Relief Case
4. The Merger Approval Case

for the period between January 1, 2015, and the present.

Response to Request for Production 1-4: See Response to Request 1-1.

Request for Production 1-5: Produce copies of all documents related to any communications between you and Friends of the Earth that relate to any of the following issues:

1. SCE&G
2. The NND Project
3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-5: See Response to Request 1-1. ORS also objects on the ground that the request is vague and ambiguous in seeking “documents related to any communications between you and any member of the Friends of the Earth that relate to” any of 11 different issues. Based on the foregoing objections, ORS will not respond to this request.

Request for Production 1-6: Produce copies of all documents related to any communications between you and Sierra Club that relate to any of the following issues:

1. SCE&G
2. The NND Project
3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-6: See Response to Request 1-5.

Request for Production 1-7: Produce copies of all documents related to any communications between you and ECSC that relate to any of the following issues:

1. SCE&G
2. The NND Project

3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-7: See Response to Request 1-5.

Request for Production 1-8: Produce copies of all documents related to any communications between you and Central Electric that relate to any of the following issues:

1. SCE&G
2. The NND Project
3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case

11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-8: See Response to Request 1-5.

Request for Production 1-9: Produce copies of all documents related to any communications between you and PURC or any of its members that relate to any of the following issues:

1. SCE&G
2. The NND Project
3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-9i See Response to Request 1-5. Subject to the objections, ORS is producing non-privileged documents.

Request for Production 1-10: Produce copies of all documents related to any communications between you and Santee Cooper that relate to any of the following issues:

1. SCE&G
2. The NND Project

3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-10: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. Based on the foregoing objections, ORS will not respond to this request.

Request for Production 1-11: Produce copies of all documents related to any communications between you and any member of the South Carolina General Assembly that relate to any of the following issues:

1. SCE&G
2. The NND Project
3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report

6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between August 1, 2017, and the present.

Response to Request for Production 1-11: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking "documents related to any communications between you and any member of the South Carolina General Assembly that relate to" any of 11 different issues. ORS objects on the ground that when a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced. Subject to and without waiver of the foregoing objections see PowerPoint presentation enclosed.

Request for Production 1-12: Produce copies of all documents related to any communications between you and anyone employed by the South Carolina General Assembly that relate to any of the following issues:

1. SCE&G
2. The NND Project
3. The BLRA

4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between August 1, 2017, and the present.

Response to Request for Production 1-12: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking "documents related to any communications between you and any member of the South Carolina General Assembly that relate to" any of 11 different issues. ORS objects on the ground that when a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced. Subject to and without waiver of the foregoing objections see PowerPoint presentation enclosed.

Request for Production 1-13: Produce copies of all documents related to any communications between you and the South Carolina Governor that relate to any of the following issues:

1. SCE&G
2. The NND Project

3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between August 1, 2017, and the present.

Response to Request for Production 1-13: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking "documents related to any communications between you and the South Carolina Governor that relate to" any of 11 different issues. Based on the foregoing objections, ORS will not respond to this request.

Request for Production 1-14: Produce copies of all documents related to any communications between you and Scott Elliott that relate to any of the following issues:

1. SCB&G
2. The NND Project
3. The BLRA
4. The Abandonment Decision

5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-14: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the basis of the common interest doctrine extension of the attorney-client privilege. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking “documents related to any communications between you and Scott Elliott that relate to” any of 11 different issues. Subject to and without waiver of the foregoing objections see PowerPoint presentation enclosed.

Request for Production 1-15: Produce copies of all documents related to any communications between you and Gary Jones that relate to any of the following issues:

1. SCE&G
2. The NND Project
3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report

6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case
8. The Prudency Determination Case
9. The Rate Relief Case
10. The Merger Approval Case
11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-15: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground of SCRCP 26(b)(4). ORS objects on the ground that the request is vague and ambiguous in seeking “documents related to any communications between you and Gary Jones that relate to” any of 11 different issues. Based on the foregoing objections, ORS will not respond to this request.

Request for Production 1-16: Produce copies of all documents related to any communications between you and Bechtel that relate to any of the following issues:

1. SCE&G
2. The NND Project
3. The BLRA
4. The Abandonment Decision
5. The 2015 Bechtel Report
6. The 2016 Bechtel Report
7. The Prudency of Abandonment Case

8. The Prudency Determination Case

9. The Rate Relief Case

10. The Merger Approval Case

11. Act No. 285

for the period between January 1, 2015, and the present.

Response to Request for Production 1-16: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking "documents related to any communications between you and Bechtel that relate to" any of 11 different issues. Based on the foregoing objections, ORS will not respond to this request.

Request for Production 1-17: Produce copies of all documents and communications related to Bechtel's involvement with, and analysis of, issues regarding the NND Project.

Response to Request for Production 1-17: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS notes that the request has no temporal limits. ORS objects on the basis of the common interest doctrine extension of the attorney-client privilege. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS has identified a written statement by Gene Soult and a written statement by Gary Jones that are responsive to this request, but are protected under the work product doctrine because they were written at the direction of counsel. Subject to the above objection, ORS has identified certain non-privileged documents that are enclosed. Additionally, ORS received documents from Santee Cooper that Santee Cooper considers confidential, and ORS has already offered SCE&G

approximately 400,000 pages ORS received from Santee Cooper, which are not considered by Santee Cooper to be confidential. ORS is currently searching for responsive documents and will supplement its production if it discovers any non-privileged documents responsive to the request.

Request for Production 1-18: Produce all documents and communications related to any draft versions of the 2015 Bechtel Report that were created before November 9, 2015.

Response to Request for Production 1-18: See Response to Request 1-5. ORS received documents from Santee Cooper that Santee Cooper considers confidential, and ORS has already offered SCE&G approximately 400,000 pages ORS received from Santee Cooper, which are not considered by Santee Cooper to be confidential.

Request for Production 1-19: Produce all documents and communications related to any draft versions of the 2016 Bechtel Report that were created before February 5, 2016.

Response to Request for Production 1-19: See Response to Request 1-5. ORS received documents from Santee Cooper that Santee Cooper considers confidential, and ORS has already offered SCE&G approximately 400,000 pages ORS received from Santee Cooper, which are not considered by Santee Cooper to be confidential.

Request for Production 1-20: Produce all documents and communications concerning the Consortium's management, or purported mismanagement, of the NND Project.

Response to Request for Production 1-20: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS notes that the request is overbroad because it does not have any temporal limit and is based on an incredibly broad and general topic. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground

that the request is vague and ambiguous in seeking documents “concerning the Consortium’s management . . . of the NND Project.” Notwithstanding the above objection, ORS has already offered SCE&G approximately 400,000 pages ORS received from Santee Cooper.

Request for Production 1-21: Produce all documents and communications concerning disputes in and among the members of the Consortium regarding issues related to the NND Project.

Response to Request for Production 1-21: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS notes that the request is overbroad because it does not have any temporal limit and is based on an incredibly broad and general topic. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking documents concerning “issues related to the NND Project.” Notwithstanding the above objection, ORS has already offered SCE&G approximately 400,000 pages ORS received from Santee Cooper.

Request for Production 1-22: Produce all documents and communications concerning disputes about the NND Project by and between any of the following parties:

1. The Consortium
2. Westinghouse
3. CB&I
4. SCE&G
5. Santee Cooper

for the period between January 1, 2015, and the present.

Response to Request for Production 1-22: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS

notes that the request is overbroad because it does not have any temporal limit and is based on an incredibly broad and general topic. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking documents “concerning disputes about the NND Project.” Notwithstanding the above objection, ORS has already offered SCE&G approximately 400,000 pages ORS received from Santee Cooper.

Request for Production 1-23: Produce all documents and communications concerning any of the following issues at the NND Project site:

1. Productivity
2. Construction productivity
3. Designs
4. Constructability of designs
5. Finalizing engineering designs
6. Work packages
7. SCE&G's oversight
8. Santee Cooper's oversight
9. Westinghouse's oversight
10. CB&I's oversight
11. The Consortium's oversight

for the period between January 1, 2015, and the present.

Response to Request for Production 1-23: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS notes that the request is overbroad because it does not have any temporal limit and is based on an

incredibly broad and general topic. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking documents "concerning" almost all facets of the NND Project. Notwithstanding the above objection, ORS has already offered SCE&G approximately 400,000 pages ORS received from Santee Cooper.

Request for Production 1-24: Produce all documents and communications concerning any of the following issues with respect to the NND Project:

1. Pricing
2. Engineering plans
3. Procurement
4. Construction plans
5. Construction schedules
6. Modular fabrication
7. Forecasts for schedule durations
8. Forecasts for productivity
9. Forecasted manpower peaks
10. Percent completed
11. Delays in schedules
12. Discrepancies between construction need dates and procurement delivery dates
13. Disconnects between construction need dates and procurement delivery dates
14. Testing
15. Start-up
16. Inspections, Tests, Analyses, and Acceptance Criteria ("ITAAC")

for the period between January 1, 2015, and the present.

Response to Request for Production 1-24: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS notes that the request is overbroad because it does not have any temporal limit and is based on an incredibly broad and general topic. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking documents “concerning” almost all facets of the NND Project. Notwithstanding the above objection, ORS has already offered SCE&G approximately 400,000 pages ORS received from Santee Cooper.

Request for Production 1-25: Produce all documents and communications related to issues concerning the fixed price option for the NND Project.

Response to Request for Production 1-25: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS notes that the request is overbroad because it does not have any temporal limit and is based on an incredibly broad and general topic. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the ground that the request is vague and ambiguous in seeking documents “related to issues concerning” a certain topic. Notwithstanding the above objection, ORS has already offered SCE&G approximately 400,000 pages ORS received from Santee Cooper.

Request for Production 1-26: Produce all documents and communications concerning ORS's review of SCE&G's attorneys' billing records from between January 1, 2015, and the present.

Response to Request for Production 1-26: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine.

Request for Production 1-27: Produce all documents and communications related to each and every presentation that you made to each of the following between March 30, 2009, and the present, in which the NND Project was discussed.

4. The Governor of South Carolina
5. The Office of the Attorney General of South Carolina
6. Any member or staff member of the South Carolina General Assembly
7. The SCEUC
8. DHEC
9. EPA
10. PURC
11. The Energy Advisory Council
12. The LCI Committee

Response to Request for Production 1-27: ORS objects because the request is overbroad, unduly burdensome, and seeks information not relevant to the issues in these proceedings. ORS notes that the request is overbroad based on time and is based on an incredibly broad and general topic. ORS objects on the ground that the request seeks information protected by attorney-client privilege and the work product doctrine. ORS objects on the basis of the common interest doctrine extension of the attorney-client privilege. ORS objects on the ground that the request is vague and ambiguous in seeking documents "related to" a broad topic. ORS objects on the ground that when

a member of the GA or staff member of the GA contacts an executive agency there is an expectation of privacy on their part and that would be violated by the commission if those communication were to be produced.

Request for Production 1-28: Produce all documents and communications related to each and every presentation that you made to each of the following between January 1, 2008, and the present, in which the BLRA was discussed.

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Request for Production 1-28: See Response to Request 1-27.

Request for Production 1-29: Produce all documents and communications related to each and every presentation that you made to each of the following between January 1, 2015, and the present, in which the Clean Power Plan was discussed.

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly.
4. The SCEUC

5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Request for Production 1-29: See Response to Request 1-27.

Request for Production 1-30: Produce all reports, memoranda, and correspondence provided to each of the following regarding the NND Project.

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Request for Production 1-30: See Response to Request 1-27.

Request for Production 1-31: Produce all reports, memoranda, and correspondence provided to each of the following regarding the Clean Power Plan.

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly

4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Request for Production 1-31: See Response to Request 1-27.

Request for Production 1-32: Produce all reports, memoranda, and correspondence provided to each of the following regarding the Abandonment Decision.

1. The Governor of South Carolina
2. The Office of the Attorney General of South Carolina
3. Any member or staff member of the South Carolina General Assembly
4. The SCEUC
5. DHEC
6. EPA
7. PURC
8. The Energy Advisory Council
9. The LCI Committee

Response to Request for Production 1-32: See Response to Request 1-27.

Request for Production 1-33: Produce copies of every presentation that you made to the SCEUC at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Request for Production 1-33: See Response to Request 1-27.

Request for Production 1-34: Produce copies of every presentation that you made to the PURC at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Request for Production 1-34: See Response to Request 1-27.

Request for Production 1-35: Produce copies of every presentation that you made to the Energy Advisory Council at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Request for Production 1-35: See Response to Request 1-27.

Request for Production 1-36: Produce copies of every presentation that you made to the LCI Committee or any of its subcommittees at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Request for Production 1-36: See Response to Request 1-27.

Request for Production 1-37: Produce copies of every report, letter, briefing paper, or other communication that you made or sent to the PURC at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Request for Production 1-37: See Response to Request 1-27. Subject to and without waiver of the foregoing objections, ORS will produce non-privileged and public accountability reports, PURC reports and Review letters that reference the NND Project.

Request for Production 1-38: Produce copies of every report, letter, briefing paper, or other communication that you made or sent to the Energy Advisory Council at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Request for Production 1-38: See Response to Request 1-27.

Request for Production 1-39: Produce copies of every report, letter, briefing paper, or other communication that you made or sent to the LCI Committee or any of its subcommittees at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Request for Production 1-39: See Response to Request 1-27.

Request for Production 1-40: Produce copies of every report, letter, briefing paper, or other communication that you made or sent to the Governor's Office or the Governor of the State of South Carolina at any time between January 1, 2005, and the present that in any way concerned the BLRA or the NND Project.

Response to Request for Production 1-40: See Response to Request 1-27.

Request for Production 1-41: Produce copies of every document indicating that you raised concerns about the constitutionality of the BLRA while it was being considered by the General Assembly or thereafter.

Response to Request for Production 1-41: See Response to Request 1-27.

Request for Production 1-42: Produce copies of every document in which you stated that completion of the Project would not be in customers' best interest.

Response to Request for Production 1-42: See Response to Request 1-27.

Request for Production 1-43: Produce copies of every document in which you stated that completion of the Project would be in customers' best interest.

Response to Request for Production 1-43: See Response to Request 1-27.

Request for Production 1-44: Produce copies of every document in which you identify or describe the benefits of the Project for SCE&G's customers or the State of South Carolina.

Response to Request for Production 1-44: See Response to Request 1-27.

Request for Production 1-45: Produce copies of every document every communication in which you identify or describe the benefits of the BLRA for electric customers or the State of South Carolina.

Response to Request for Production 1-45: See Response to Request 1-27.

Respectfully submitted,

s/Matthew Richardson

Matthew T. Richardson, Esquire
Wallace K. Lightsey, Esquire
WYCHE, PA
801 Gervais Street, Suite B
Columbia, South Carolina 29201
Phone: (803) 254-6542
Fax: (803) 254-6544
Email: mrichardson@wyche.com
Email: wlightsey@wyche.com

&

Nanette Edwards, Esquire
Jeffrey M. Nelson, Esquire
Jenny R. Pittman, Esquire
Andrew M. Bateman, Esquire
OFFICE OF THE REGULATORY STAFF
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803) 737-0889/0823/0794
Fax: (803) 737-0801
Email: nedwards@regstaff.sc.gov
Email: jnelson@regstaff.sc.gov
Email: jpittman@regstaff.sc.gov
Email: abateman@regstaff.sc.gov

**Attorneys for the South Carolina Office of
Regulatory Staff**

August 24, 2018

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA
DOCKET NO. 2017-370-E

In Re: Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Inc., for review and approval of a proposed business combination between SCANA Corporation and Dominion Energy, Inc., as may be required, and for a prudency determination regarding the abandonment of the V.C. Summer Units 2 & 3 Project and associated customer benefits and cost recovery plan.

CERTIFICATE OF SERVICE

This is to certify that I caused to be served on August 24, 2018 a copy of **ORS's Answers to First set of Requests for Admission, Second Set of Interrogatories, and Second set of Requests for Production of Documents (Amended)** to the persons named below at the addresses via electronic mail only:

K. Chad Burgess
chad.burgess@scana.com
Matthew W. Gissendanner
matthew.gissendanner@scana.com
Belton T. Ziegler
belton.zeigler@wbd-us.com
Mitchell Willoughby
mwilloughby@willoughbyhoefer.com
Attorneys for South Carolina Electric & Gas Company

s/Matthew Richardson

**THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NOS. 2017-207-E, 2017-305-E, AND 2017-370-E**


IN RE: Friends of the Earth and Sierra Club,)
Complainant/Petitioner v. South Carolina)
Electric & Gas Company,)
Defendant/Respondent)

IN RE: Request of the South Carolina Office of)
Regulatory Staff for Rate Relief to SCE&G)
Rates Pursuant to S.C. Code Ann. § 58-27-920)

VERIFICATION

IN RE: Joint Application and Petition of South)
Carolina Electric & Gas Company and)
Dominion Energy, Incorporated for Review)
and Approval of a Proposed Business)
Combination between SCANA Corporation)
and Dominion Energy, Incorporated, as May)
Be Required, and for a Prudency)
Determination Regarding the Abandonment)
of the V.C. Summer Units 2 & 3 Project)
and Associated Customer Benefits and Cost)
Recovery Plans.)

I, Andrew R. Bate, being duly sworn and upon my oath, depose and say that I have reviewed the foregoing "ORS'S ANSWERS TO SOUTH CAROLINA ELECTRIC & GAS COMPANY'S FIRST SET OF REQUESTS FOR ADMISSION, SECOND SET OF INTEROGATORIES, AND SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS (AMENDED)" dated August 24, 2018, and that the information and materials stated or provided in the foregoing documents is true as to my information and belief..



SWORN to and subscribed before me this 26th
Day of August, 2018.

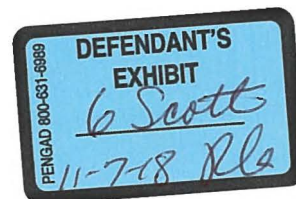
Patricia F. Spiers (L.S.)
Notary Public

My Commission Expires: 9/26/2023

To: SMITH, ABNEY A JR[SASMITH@scana.com]; JOHNSON, SHIRLEY S[SWJOHNSON@scana.com]; HUTSON, WILLIAM V[WHUTSON@scana.com]; STEPHENS, MICHELE L[MICHELE.STEPHENS@scana.com]; LANIER, CYNTHIA B[CLANIER@scana.com]; WHATLEY, CAROLINE[CAROLINE.WHATLEY@scana.com]
From: FELKEL, MARGARET SHIRK
Sent: Thur 10/22/2015 10:35:55 AM
Importance: Normal
Subject: Final October ORS Agenda
Received: Thur 10/22/2015 10:35:57 AM
ORS Agenda October 2015.pdf

Please see attached the final ORS Agenda for next week's site visit.

Margaret Felkel
Senior Accountant, Contract Compliance & Controls
SCANA Services - New Nuclear Deployment
direct line: 803-941-9821
margaret.felkel@scana.com



SCE&G VC Summer Units 2 & 3
October 27 & 28, 2015 ORS Site Visit Agenda
(Tuesday & Wednesday)

Cindy's fax (803) 933-7761

Shirley's fax (803) 933-7774

I. Tuesday October 27, 2015 Tour Comments - Main Feed Pump Alignments are in progress, a walk by would be helpful.

8:00 am - 9:00 am	Construction (Alan Torres)
9:00 am - 10:30 am	Tour (Kyle Young/Myra Roseborough)
10:30 am - 11:00 am	Commercial (Skip, Michele, Margaret, Cindy)
11:00 am - 11:30 am	Licensing (April Rice)
11:30 am - 12:00 pm	Training (Andy Barbee-Paul Matthena)

Wednesday October 28, 2015

9:30 am - 10:00 am	Quality Assurance (Larry Cunningham)
10:00 am - 11:00 am	Engineering (Brad Stokes/Sheila Jean-Cyber Security)

SCANA

William Hutson, Cindy Lanier, Michele Stephens, Skip Smith, Caroline Whatley, Margaret Felkel

ORS

Allyn Powell, Gene Sault, Gaby Smith and Gary Jones

II. Construction Progress

- a) Weekly Construction Metrics *(to include discussion off critical work fronts & status off project relative to the revised integrated schedule)*
 - i. Discuss the ~~apparent~~ inconsistencies in the Unit 2 schedule in which the hydrotest and hot functional are ~~delayed~~ 5 months and the fuel load is delayed 6 months, but the ~~substantial~~ completion is ~~only~~ delayed 3 months. (BLRA Milestone Tracking for September 2015).
 - ii. Discuss the ~~apparent~~ inconsistency in the Unit 3 schedule in which near term dates have ~~slipped consistently~~ for the past few months, but the ~~substantial~~ completion date has ~~not~~ changed. Note that the summary schedules indicate that Unit 3 AB/Containment activities are up to 6 months late. (WS off 2015-10-12, Summary Schedule)
 - iii. ~~Discuss~~ additional plans to improve the productivity off on-site construction labor. All areas ~~continue to~~ show productivity factors well above the stated goal off 1.15.

Mitigation and improvement plans over the previous 6 months do not appear to have resulted in any significant improvement. (Commercial Review Meeting slides of 2015-09-17, Slides 9 - 15 and summary of the Construction Effectiveness and Efficiency program).

- iv. Discuss the decline in the overall construction staffing from 3278 in June to 2485 in August and the impact on the schedule. (Consortium 2015-09-17 MSMM, dated 2015-10-14, p. 79, Slide 134).

b) Unit 2 Nuclear Island

- i. Discuss the schedule and status of completion of welding CAG1 to the embedment plates. (Repeat from the September meeting).
- ii. Provide the schedules for completing the remaining in-situ work on CA20, CA04 and CA05. (No specific reference).
- iii. Section III piping spools continue to be delivered late. At what point does this adversely impact the overall schedule and what mitigation measures are being pursued. (Consortium 2015-09-17 MSMM; dated 2015-10-14, p. 85, Slide 153).

c) Unit 2 Turbine Building

- i. Discuss the schedule slippage in the TG concrete placement from 2015-11-18 to 2015-12-11 and potential mitigation measures or additional controls put in place. (WCM of 2015-10-12, p. 22)
- ii. Discuss the summary schedule that indicates that Condenser B is greater than 6 months behind schedule. (WS of 2015-10-12, Summary Schedule)

d) Unit 3 Nuclear Island, including the significant schedule slippages, especially off Line 1 from 2015-09-24 to 2015-12-30 and any mitigation and/or recovery activities. (WCM of 2015-10-12, p. 20).

e) Unit 3 Turbine Building

- i. Discuss the extent and duration of the work suspension due to lack of labor forces. (WCM of 2015-10-12, p. 35).
- ii. Discuss the overall plan to maintain sufficient resources to complete Unit TB. (No specific reference).
- iii. 10/15/15 FOD:- Pg. 20- CA04 out of tolerance issues appear to be similar to U2-CA04, were lessons learned¹ from U2 incorporated into U3, please explain.

f) Cooling Towers

g) Raw Water System

h) Offsite Water System

i) Containment Vessels, including the schedule for ring sets

j) Shield Buildings

- i. Discuss the status and schedule of the NNI mitigation plan for accelerating delivery of the SB panels. (Repeat from previous meetings).

- ii. Discuss the status and schedule for the SB roof fabrication. (Repeat from the September meeting).
 - iii. Clarify the status and schedule of the concrete placement in the first course of the SB panels (not clear from currently available information).
 - iv. Confirm that erection of course 2 of the SB panels has begun. (Consortium MSMM, p. 37, Slide 49 has it scheduled for 2015-10-10 and status on WCM is not clear).
- k) Onsite and offsite storage
- i. Discuss the status of storage at the airport storage facility and the availability for an ORS visit. (Repeat from previous meetings)
 - ii. WCM-10/19/15- Pg. 40/52- Please provide update of Storage and PM's on stored equipment (Report due in Oct)
- l) Structural & mechanical modules fabrication and schedule (delivery schedules for all fabrication vendors; include a discussion of Unit 3)
- i. Discuss the mitigation plans for the critical U2/U3 mechanical modules. Schedules continue to be delayed. (Repeat from September meeting).
 - ii. Discuss the mitigation plan for the critical Greenberry mechanical and floor modules. (Repeat from September meeting). Also include a discussion of the actions taken to resolve issues identified in the 2015-09-10 facilities visit.
 - iii. Discuss the mitigation plan for the critical Dubose stack modules. (Repeat from September meeting).
 - iv. Confirm that the final sub-module kit from SMCI is due on site 2015-10-21 (Consortium 2015-09-17 MSMM, dated 2015-10-14, p. 50, Slide 76)
 - v. Discuss the module scope of work being performed by T&NIE. (Consortium 2015-09-17 MSMM, dated 2015-10-14, p. 34; Slide 44).
 - vi. Address the impact of and resolution schedule for the recently identified issue that piping weld locations did not account for pipe support locations. (WCM a 2015-10-12, p. 9).
 - vii. Discuss the Toshiba/IHI mitigation and schedule improvement plan on Unit 3 CAOT (Consortium 2015-09-17 MSMM, dated 2015-10-14, Item 1.6, p. 1)
 - viii. Discuss possible dates for L. Charles Visit
- m) Annex Building
- i. Discuss the schedule and constraints for the mudmat placement due 2015-11-18 and basement pour due 2016-01-21. (Consortium 2015-09-17 MSMM, dated 2015-10-14, p. 52; Slide 80).

III. Licensing and Permitting

- a) NRC visits/reviews
- b) License Amendment Requests (LARs) and Preliminary Amendment Requests (PARs)
 - i. *Discuss the content of the supplement to LAR 111 submitted 2015-09-23 and the NRC reaction thus far. (WS of 2015-10-12, p. 31).*
 - ii. *Discuss the status of LAR 30 and the results of the pre-submittal meeting held on 2015-10-22. (WS of 2015-10-12, p. 31).*
 - iii. *Discuss licensing status/schedule of CAS. (Follow up from previous meetings). What is meant by the redaction and affidavit? (MPSR for September, Item 10, p. 24).*
 - iv. *Discuss the changes resulting from the assessment plan update for regulatory compliance completed on 2015-07-31. (QESC of 2015-08-31, Slide 8).*

IV. Equipment

- a) Doosan
 - i) Unit 3 Steam Generators
 - ii) Unit 3 Reactor Vessel
- b) IBF/Tioga
 - i) Unit 3 Reactor Coolant Pump Loop Piping
- c) Mangiarotti
 - i) Unit 3 Pressurizer
 - ii) Passive Residual Heat Removal (PRHR) Heat Exchangers (discuss the status and schedule of repairs)
- d) Curtiss Wright/EIWD - Reactor Coolant Pumps, *including the status of the root cause analysis on the pump impeller issue (repeat from July meeting). Is a new endurance test required?*
- e) SPX Copes Vulcan - Squib Valves (to include status of EQ test)
- f) Switchyard
 - i) *Discuss the testing program on the capacitors and the status of the on-going investigation and resolution*
 - ii) *Discuss the delivery schedule for the Unit 3 Tx and whether there is an adverse impact due to bridge damage from the recent flooding. (POD of 2015-10-15, p. 23)*

V. Engineering

- a) *Discuss the results of the WEC/CB&I Engineering interface workshop held in Charlotte on 09/15 and 09/16. (MPSR for September, Item 4, p. 12).*
- b) *Explain the role and composition of the Design Change Implementation Board (DCIB) and identify when meetings are held. (MPSR for September, Item 10j p. 23).*

- c) Discuss the findings from the summary of design changes since April 30, 2015 which was requested by SCE&G that WEC compile. (Consortium 2015-09-17 MSMM, dated 2015-10-14, Item III, p. 3).
- d) Discuss the results from the Vendor Summit. (Consortium 2015-09-17 MSMM, dated 2015-10-14, Item IV, p. 4).
- e) POD-10/15- Pg 24- Emergent Issues list item 34- Tubesheet Thickness generic issue. Does this effect Safety relate Heat exchangers? If so, please identify affected equipment.
- f) 10/13/15- WCM Pg. 50- Toshiba/IHI behind on shipment of 18-U 3 CA01 Sub modules. What impact is this having on U 3 schedule?
- g) K-7-Monthly Progress Report dated 9/30/15-Pg. 12/68-Meeting held to discuss Master Equipment List. Is SCE&G satisfied with the direction and timing. Is equipment Identification and Labeling incorporated into this work?
- h) Pg. 52/68- Action ID- NPA-VS-02574- Requires formalizing the efficiencies between the 2 units. Please provide a copy for ORS to review.
- i) 5-4 Box-10/13/15-Pg.3- CIRIT results of Roof Components

VI. Financial/Commercial

- a) Overall Status of Budget
- b) Status of Change Orders
 - iii) Executed Change Orders
 - iv) Pending/Potential Change Order
 - (1) COL delay, design of shield buildings, design of structural modules, and Unit 2 rock condition (CO #16) (Schedule impact, changes to LT storage, any financial impacts?)
 - (2) Commercial Settlement - resolves multiple Outstanding issues, no increase to EPC costs (CO #17)
 - (3) API000 Cyber Security remaining work scope
 - (4) Site Layout Changes
 - (5) Active Notices
- c) BLRA milestones
- d) Discuss the Status of the Bechtel Assessment and the top ten issues noted thus far.
- e) K-7-10/15/15- Pg. 3/13-CRM-Discuss Company's view of report. Discuss why current external cost forecast is the same as December 2014 forecast given the lack of productivity improvement. Please provide an update on Settlement discussions to resolve "deficient invoices".
- f) Please identify the changes that will be made to the CRM as a result of the PSC approval of the Petition and when these changes will be complete.

VII. Quality Assurance

- a) Discuss significant results of the 10/12- 10/15 C&I surveillance of CB&I-LC (September Consortium MSR, Item 3, p. 5)
- b) Discuss significant results of the 10/05- 10/08 C&I surveillance of Cives (September Consortium MSR, Item 3, p. 6)
- c) Discuss significant results of the 10/19- 10/22 C&I audit of AECON (September Consortium MSR, Item 3, p. 5)
- d) Discuss significant results of the 10/05 - 10/08 C&I surveillance of Gerdau (September Consortium MSR, Item 3, p. 6)
- e) Discuss significant results of the 10/12- 10/15 C&I audit of Dubose. (September Consortium MSR, Item 3, p. 6).
- f) Discuss significant results of the 09/28 - 10/01 C&I surveillance of SMCI (September Consortium MSR, Item 3, p. 7)
- g) POD-10/08/15- Procurement discussed the need to seek alternative supplier for C&I-laurens Piping- Please discuss the issues surrounding this change.

VIII. Operational Readiness

- a) Discuss the status of the following programs which were to be back on schedule by the date indicated (SCE&G June MSR, p. 32):
 - i. EMI/RFI by 8/6
 - ii. Pumps by 8/10
 - iii. Breakers by 7/31
 - iv. Motor Reliability by 8/10
 - v. Batteries, Chargers and Support Systems by 7/23
- b) Discuss the status of the following programs that were to start by the indicated date (SCE&G June MSR, p. 34)
 - i. ISI by 8/1
 - ii. Electrical Cable Aging Management by 5/1/2013
 - iii. Irradiated Fuel Inspection by 8/1
- c) Discuss the status of the labeling program (QESC of 2015-08-31, Slide 23).
- d) Discuss lessons learned from meeting with SNDPC and WANO on Haiyang startup test program. (QESC of 2015-08-31, Slide 22)

IX. Training

- a) Discuss impact and mitigation plans for the training staff attrition (QESC of 2015-08-31, Slides 25 and 28).

NND REQUEST -GGS-#-4

ORS NND REQUEST FORM
South Carolina Electric and Gas Company
Docket No. 2015-103-E

Please acknowledge receipt of request by email.



For information the Company deems confidential, the Company must:

1. Insert placeholders and separate the confidential information from the non-confidential information. The placeholders will alert the reader that a response containing confidential information was removed and sent separate from the non-confidential information;
2. Mark each page of the confidential information as "CONFIDENTIAL" Only confidential pages/information should be marked confidential;
3. Provide a list of the confidential information along with the total number of pages for each confidential item on the list. The list should be provided with each copied set of confidential information; and,
4. For EACH item marked "CONFIDENTIAL" state specifically why the item is confidential, the person who made the determination, and their contact information (telephone and email).

DATE: April 23, 2015

TO: Byron Hinson, Chad Burgess

FROM: Gene G. Soult

UTILITY: South Carolina Electric & Gas Company
 Updates and Revisions to the Capital Cost Schedule and the Construction Schedule
 Docket No. 2015-103-E

PURPOSE: Follow up on initial AIR submittal

REQUEST THE FOLLOWING ITEMS BE PROVIDED BY: 4/30/2015

REQUEST DESCRIPTION: Additional Questions- Referenced Below:

1. 4.1- Petition- Paragraph-27-
 - a. Please provide an exact duplicate of the Revised Cash Flow Forecast that WEC/CB&I provided to SCE&G.
 - b. Please provide a copy of any and all documents supporting the Revised Cash Flow Forecast that WEC/CB&I provided to SCE&G to include draft Change Orders, etc.

Response

For the Revised Cash Flow Forecast that WEC/CB&I provided to SCE&G and any and all documents provided by WEC/CBI to SCE&G in support of that forecast, please see the response to ORS Audit Request # 2, Question #2.

2. 4.2- Petition- Paragraph 38- Please provide copies of any and all documents where WEC/CB&I requests a contract "Change" under Section 9.1 of the EPC Contract associated with the Delay and Other EAC Costs totaling 411 Million.

Response

CONFIDENTIAL

WEC/CB&I has not yet requested a contract "Change" under Section 9.1 of the EPC Contract associated with the Delay and Other EAC Costs totaling 411 Million.

3. 4.3- Petition- Paragraph-31- Please provide the status and any supporting documentation of the WEC/CB&I and SCE&G negotiations concerning responsibility for the Delay and other EAC Costs totaling 411 Million.

Response

In August 2014 the Consortium advised SCE&G of delays in the construction schedule and increases in the construction cost. The Consortium provided SCE&G with the supporting document entitled "Impacted/Partially Accelerated Summary", previously provided as attachment 2 to ORS Audit Request #2, Question #2. In further support of the summary, WEC/CB&I provided Target and T&M Estimate Update, a copy of same being attached hereto. Since the Consortium advised SCE&G of the delays, Senior Management of SCE&G has engaged the Consortium in ongoing discussions regarding responsibility for the delay and other EAC costs, and SCE&G must retain the latitude to negotiate without threat of waiver of its EPC contractual rights. As a contractual matter, SCE&G has reserved all of its rights under the EPC Contract related to the delay in the construction schedule. SCE&G has not approved any change in the Guaranteed Substantial Completion Dates under the EPC Contract; SCE&G has not accepted the Consortium's contention that the new substantial completion dates are made necessary by delays that are excusable under the EPC Contract.

Notwithstanding these ongoing discussions, SCE&G's petition is based upon the Company's most current review and analysis of the information provided to the Company by the Consortium. As a result of its review and analysis and representations of the Consortium, and for purposes of updating the anticipated construction schedules under the BLRA, SCE&G has approved the construction schedule as a reasonable and prudent schedule for filing with the Commission in this docket.

CONFIDENTIAL

2

**South Carolina Electric & Gas Company
Docket No. 2015-103-E**

Date: April 30, 2015
To: Anthony James
From: Byron Hinson
Chad Burgess

Enclosed with this document is the information you requested for the Consortium's presentation to SCE&G for the Target and T & M Estimate Update dated August 29, 2014.

The information responsive to this request contains highly confidential and sensitive information which if disclosed would result in the disclosure of EPC Contract information which Westinghouse/CB&I requires SCE&G to maintain in confidence. Due to the highly confidential and sensitive nature of the information requested, the Company will make the information responsive to this request available for review and inspection at the offices of New Nuclear Deployment.

Confidential

ORS SCEG 01204316



VC Summer Target and T&M Estimate Update

August 29, 2014

Jenkinsville, SC

The information contained herein is an estimate based on assumptions and facts known to the Contractor at this point in time. Contractor expressly reserves the right to modify any information or estimate as may be necessary from time to time.

CONFIDENTIAL

1

Table of Contents

- Key Assumptions
- Improvement Activities
- Estimate Approach
- Schedule Overview
- Summary of Cost Impacts– Target
- Summary of Cost Impacts– T&M
- Direct Construction
 - Approach
 - Estimate
 - Discipline Variances (SS, U2, U3)
 - Variance Explanations
- Indirect Construction
 - Summary
 - Assumptions
 - Variance Explanations
 - Potential Mitigations
- Westinghouse Summary
 - WEC Summary of Cost Impacts: Target
 - WEC Summary of Cost Impacts: T&M
- Individual Estimates
 - Quantity Changes
 - Craft Productivity
 - Schedule Impacts
- Conclusions
- Appendices
 - Client Change Orders
 - Site Layout
 - Cyber Security

CONFIDENTIAL

Key Assumptions for Revised Estimate

1. Estimate developed beginning with CO-16 and adding projected forecast for the remainder of the project
2. Where appropriate, estimate is based on the same assumptions as used in development of the IPS
3. Estimate is based on the dates identified in the IPS
4. Where uncertainty remains, the best available information was utilized for estimating cost
5. Unit rates were unchanged. Productivity Factors and quantity adjustments are the basis for adjustment/change of labor hours.
6. Quantities were updated using design information and evaluated against other nuclear projects
7. Productivity factors were evaluated utilizing project experience to date and assumed improvements going forward
8. Estimate includes known and reasonably quantifiable impacts only
9. No cost is included for schedule acceleration other than limited 2nd shift work.
10. Estimate does not consider NNI expediting impact
11. Site Layout and Cyber Security reflect current outstanding proposal amounts
12. Contingency was estimated based on the ETC forecast. The risk profile will be updated upon completion of the time phasing.

CONFIDENTIAL

3

Key Mitigations Strategies in Revised Estimate

1. E&DCRs will be incorporated in parent drawings.
2. The concrete plan improvements will continue to be implemented. These improvements include Tekla modeling and interference checking of the reinforcing with embedded commodities and reconciliation of known interferences prior to installation.
3. The suspended system designs will be modeled and clash detected to minimize physical inferences at the point of installation.
4. Generic tolerance requirements will be established in most cases reducing the need for individual specific NND's and EDCR's.
5. Constructability review of critical and complex installations will be performed in support of IPS requirements.
6. CBI will implement various Work Package improvements.
7. Critical deliverables for construction will be referenced and support the IPS requirements.

Implementation of the foregoing strategies is subject to regulatory changes and/or differing interpretations of existing regulations

CONFIDENTIAL

4

Improvement Activities

- **Project Management Improvements:**
 - Improved Schedule quality and control (ECS/IPS)
 - Aggressive use of milestone and issue management
 - Continued development of the OCC
 - Area Management Focus
 - Weekly Area Managers Meeting
 - 3 week look ahead rigorously addressed
 - POD led by Construction Manager with strong focus on daily expectations
- **EPC Process Improvements:**
 - Focus on key work streams:
 - Shield Building
 - Mechanical and Structural Modules
 - Concrete
 - Steel
 - Piping
 - Electrical
 - HVAC

CONFIDENTIAL

Improvement Activities cont'd

- Individual work stream optimization projects will identify and implement changes to improve erection rates and commodity installation rates, for example by improved tolerance management, improved clash detection methods, work package improvements through early E&DCR incorporation, etc.
- These work stream improvement projects will benefit from the use of multi-disciplinary teams (design, construction, quality, etc.)

CONFIDENTIAL

6

Estimate Approach

- Estimates were compiled through an aggregation of data from multiple project team members and subcontractors for remaining work
- Estimates for June 2019(U2) and 2020(U3) Substantial Completion dates (SCD) were developed as the base case
- Accelerating actions were included to determine the December 2018 (U2) and December 2019 (U3) Substantial Completion estimates
- Productivity factors are assumed to improve over the remaining life of the project
- Respective estimates were reviewed between Consortium Members
- Target Price adjusted to reflect lower profit associated with exceeding Established Target Price

CONFIDENTIAL

7

Schedule Overview

- **VC Summer Unit 2– Substantial Completion June 2019**
(/Impacted/Partially Accelerated)
 - 5X10 construction work schedule with selective extended work schedules (near-term & MAB excluded)
 - Fabrication and delivery of Main Steam/Feed Water penetration module will support construction needs
 - Fabrication and delivery of the Shield Building panels are based on the delivery dates provided by the vendor
- The critical path proceeds through shield building wall panel deliveries from NNI into erection of the shield building walls and installation of the air intake structure, shield wall tension ring, top hat, shield building roof and setting of the PCS tank module on the roof. The path continues to operational testing through Fuel Load, continuing through Power Ascension, 100 percent power, then Substantial Completion.
- Liquidated damages are assumed in the estimate based on the IPS.

CONFIDENTIAL

8

Summary of Cost Impacts – Target

June 2019 SCD Impacted / Partially Accelerated Case¹

\$2007 \$M

Cost Area	CO-16 Target	Proposed Estimate Target	Variance Target
Direct Labor – Site Specific	\$94.3	\$92.3	(\$2.0)
Direct Labor – Unit 2	\$160.3	\$274.3	\$114.0
Direct Labor – Unit 3	\$166.3	\$272.9	\$106.6
Indirect Construction Labor	\$190.3	\$244.7	\$54.5
ENM	\$400.3	\$632.5	\$232.2
Subcontracts	\$272.4	\$416.5	\$144.1
Distributables	\$261.9	\$336.9	\$75.0
ENM Expenses	\$16.8	\$17.0	\$0.3
Construction Equipment Fuel	\$12.8	\$25.4	\$12.7
Other Costs	\$127.0	\$193.0	\$66.0
CB&I SubTotal	\$1,702.3	\$2,505.6	\$803.2
EPC Mgmt	-	\$31.5	\$31.5
Containment Vessel	\$68.7	\$155.0	\$86.3
Plant Startup & Testing	-	-	-
Other	\$21.0	\$21.0	-
Westinghouse SubTotal	\$89.7	\$207.5	\$117.8
Total	\$1,792.0	\$2,713.1	\$921.0



¹Cost only – Does not include G&A, Profit, etc.

CONFIDENTIAL

Summary of Cost Impacts- T&M

June 2019 SCD Impacted / Partially Accelerated Case¹

\$2007 \$M

Cost Area	CO-16 T&M	Proposed Estimate T&M	Variance T&M
Direct Labor - site specific	-	-	-
Direct Labor - Unit 2	-	-	-
Direct Labor - Unit 3	-	-	-
Indirect Construction Labor	-	\$26.5	\$26.5
FNM	\$0.1	\$6.6	\$6.5
Subcontracts	\$0.7	\$0.7	-
Distributables	\$36.5	\$18.0	(\$18.5)
FNM Expenses	-	\$1.0	\$1.0
Start-up	\$96.2	\$97.0	\$0.8
Other Costs	\$47.2	\$56.6	\$9.4
CB&I SubTotal	\$180.7	\$206.5	\$25.8
EPC Mgmt	-	-	-
Containment Vessel	-	-	-
Plant Startup & Testing	\$61.0	\$102.1	\$41.1
Other	\$50.4	\$104.6	\$54.2
Westinghouse SubTotal	\$111.5	\$206.7	\$95.3
Total	\$292.2	\$413.2	\$121.1



¹Cost only - Does not include G&A, Profit, etc.

CONFIDENTIAL

10

Summary of Cost Impacts – Target

Dec 2018 SCD Accelerated Case¹

\$2007 \$M

Cost Area	CO-16 Target	Impacted Partially Accelerated Target Est. June SC	Proposed Acceleration	Variance to CO-16 Target
Direct Labor – Site Specific	\$94.3	\$92.3	-	(\$2.0)
Direct Labor – Unit 2	\$160.3	\$274.3	\$12.4	\$126.4
Direct Labor – Unit 3	\$166.3	\$272.9	\$12.4	\$119.0
Indirect Construction Labor	\$190.3	\$244.7	\$25.3	\$79.8
FNM	\$400.3	\$632.5	\$75.0	\$307.2
Subcontracts	\$272.4	\$416.5	\$1.6	\$145.7
Distributables	\$261.9	\$336.9	\$32.2	\$107.3
FNM Expenses	\$16.8	\$17.0	\$7.5	\$7.8
Construction Equipment Fuel	\$12.8	\$25.4	-	\$12.7
Other Costs	\$127.0	\$193.0	-	\$66.0
CS SubTotal	\$1,702.3	\$2,505.6	\$166.5	\$969.7
EPC Mgmt	-	\$31.5	(\$10.5)	\$21.0
Containment Vessel	\$68.7	\$155.0	-	\$86.8
Plant Startup & Testing	-	-	-	-
Vendor Installation Support	\$21.0	\$21.0	-	-
Westinghouse SubTotal	\$89.7	\$207.5	(\$10.5)	\$107.3
Total	\$1,792.0	\$2,713.1	\$156.0	\$1,077.0



¹Cost only – Does not include G&A, Profit, etc

CONFIDENTIAL

11

Summary of Cost Impacts – T&M

Dec 2018 SCD Accelerated Case¹

\$2007 \$M

Cost Area	CO-16 T&M	Impacted Partially Accelerated Target Est. June SC	Proposed Acceleration	Variance to CO-16 T&M
Direct Labor – Site Specific	-	-	-	-
Direct Labor – Unit 2	-	-	-	-
Direct Labor – Unit 3	-	-	-	-
Indirect Construction Labor	-	\$26.5	\$2.5	\$29.0
FNM	\$0.1	\$6.6	-	\$6.6
Subcontracts	\$0.7	\$0.7	-	-
Distributables	\$36.5	\$18.0	\$1.8	(\$16.7)
FNM Expenses	-	\$1.0	-	\$1.0
Start-up	\$96.2	\$97.0	-	\$0.9
Other Costs	\$47.2	\$56.6	-	\$9.3
CBI SubTotal	\$180.7	\$206.5	\$4.3	\$30.1
EPC Mgmt	-	-	-	-
Containment Wessel	-	-	-	-
Plant Startup & Testing	\$61.0	\$102.1	(\$1.4)	\$39.7
Other	\$50.4	\$104.6	(\$3.2)	\$51.0
Westinghouse SubTotal	\$111.5	\$206.7	(\$4.6)	\$90.7
Total	\$292.2	\$413.0	(\$0.3)	\$120.8

¹Cost only – Does not include G&A, Profit, etc



CONFIDENTIAL

CB&I Direct Construction Approach

- **Impacted (partially accelerated)**
 - Unit 2 Substantial Completion June 2019 (Unit 3 June 2020)
 - Productivity analysis performed (*see productivity section*) by evaluating cost per unit/building/discipline
 - Design quantities validated (*see quantities section*) and labor forecasted
 - Consolidated deviations since C016 into estimate template
- **Accelerated schedule**
 - Assumes all improvements identified to support Impacted (partially accelerated) schedule.
 - Unit 2 Substantial Completion Dec 2018 (Unit 3 Dec 2019)
 - ~~NNI Acceleration~~ - cost under evaluation
 - ~~SB Erection Acceleration~~ - cost under evaluation
 - ~~Inclusion of Schedule Contingency~~ - \$165M
 - ~~Reduction of hotel loads~~ - (\$13M)

CONFIDENTIAL

13

CB&I Direct Construction Labor - Estimate – \$2007 \$M

June 2019 SCD Impacted/Partially Accelerated Case

Cost Area	Site Specific	Unit 2	Unit 3	Total
Above Ground Electrical	\$10.7	\$74.4	\$74.4	\$159.5
Above Ground Pipe	\$8.1	\$71.2	\$71.6	\$150.9
Building Construction	\$0.1	\$2.2	\$2.2	\$4.5
Civil Site Work	\$35.3	\$0.4	\$0.7	\$36.4
Concrete	\$25.1	\$65.7	\$64.5	\$155.3
Instrumentation & Control	\$0.6	\$8.8	\$8.8	\$18.2
Major Equipment	\$2.0	\$23.7	\$22.4	\$48.1
Modules	\$0	\$7.6	\$7.8	\$15.4
Structural Steel	\$0.6	\$19.8	\$19.8	\$40.2
Under Ground Electrical	\$4.8	\$0.2	\$0.4	\$5.4
Under Ground Pipe	\$5.1	\$0.3	\$0.2	\$5.6
Total	\$92.3	\$274.3	\$272.9	\$639.5



CONFIDENTIAL

CB&I Direct Construction Labor - Site Specific Variances \$2007 \$M

June 2019 SCD Impacted /Partially Accelerated Case

Cost Area	CO-16	Current Estimate	Variance
Above Ground Electrical	\$7.5	\$10.7	\$3.1
Above Ground Pipe	\$7.0	\$8.1	\$1.1
Building Construction	\$0.1	\$0.1	-
Civil Site Work	\$16.4	\$35.3	\$18.9
Concrete	\$27.8	\$25.1	(\$2.6)
Instrumentation & Control	\$0.2	\$0.6	\$0.4
Major Equipment	\$29.8	\$2.0	(\$27.8)
Modules	-	-	-
Structural Steel	\$0.5	\$0.6	\$0.1
Under Ground Electrical	\$3.3	\$4.8	\$1.5
Under Ground Pipe	\$1.8	\$5.1	\$3.3
Total	\$94.3	\$92.3	(\$2.0)



CONFIDENTIAL

15

CB&I Direct Construction Labor- Unit 2 Variances \$2007 \$M

June 2019 SCD Impacted /Partially Accelerated Case

Cost Area	CO-16	Current Estimate	Variance
Above Ground Electrical	\$46.6	\$74.4	\$27.8
Above Ground Pipe	\$47.6	\$71.2	\$23.5
Building Construction	\$0.9	\$2.2	\$1.4
Civil Site Work	-	\$0.4	\$0.4
Concrete	\$29.8	\$65.7	\$36.0
Instrumentation & Control	\$6.4	\$8.8	\$2.4
Major Equipment	\$17.1	\$23.7	\$6.5
Modules	\$1.0	\$7.6	\$6.7
Structural Steel	\$10.7	\$19.8	\$9.1
Under Ground Electrical	-	\$0.2	\$0.1
Under Ground Pipe	\$0.2	\$0.3	\$0.1
Total	\$160.3	\$274.3	\$114.0



CONFIDENTIAL

CB&I Direct Construction Labor- Unit 3 Variances \$2007 \$M

June 2019 SCD Impacted /Partially Accelerated Case

Cost Area	CO-16	Current Estimate	Variance
Above Ground Electrical	\$46.6	\$74.4	\$27.8
Above Ground Pipe	\$47.6	\$71.6	\$24.0
Building Construction	\$0.9	\$2.2	\$1.4
Civil Site Work	\$0.2	\$0.7	\$0.5
Concrete	\$29.6	\$64.5	\$34.8
Instrumentation & Control	\$6.4	\$8.8	\$2.4
Major Equipment	\$20.4	\$22.4	\$2.0
Modules	\$3.4	\$7.8	\$4.3
Structural Steel	\$10.7	\$19.8	\$9.1
Under Ground Electrical	\$0.3	\$0.4	\$0.2
Under Ground Pipe	\$0.2	\$0.2	\$0.1
Total	\$166.3	\$272.9	\$106.6



CONFIDENTIAL

17

CB&I Direct Construction Labor Variance Explanations

Direct Construction Discipline	Variance Explanations in Addition to PF
Electrical	<ul style="list-style-type: none"> • Communications System Redesign • Raceway Design Change • Normal Shutdown After Fire
Pipe	<ul style="list-style-type: none"> • Design Development
Concrete	<ul style="list-style-type: none"> • NI Basemat • Tolerances Issues • Density of rebar • Formwork updated takeoffs • Increases in Anchor Bolt & Embed Quantities • Increase of ~ 25,000 cy
Major Equipment	<ul style="list-style-type: none"> • Turbine Installation Work Hour estimate was low based on comparable projects
Modules	<ul style="list-style-type: none"> • Third Party takeoff of mechanical modules quantities
Structural Steel	<ul style="list-style-type: none"> • Turbine Building Steel design development / Decking / Grating



CONFIDENTIAL

CB&I Indirect Construction - \$2007 \$M

June 2019 SCD Impacted / Partially Accelerated Case

Cost Area	CO-16 Target	CO-16 T&M	Estimate Target	Estimate T&M	Variance Target	Variance T&M
Indirect Construction Labor	\$190.3	-	\$244.7	\$26.5	\$54.5	\$26.5
FNM	\$400.3	\$0.01	\$632.5	\$6.6	\$232.2	\$6.6
Direct Subcontracts	\$220.0	\$0.7	\$357.7	\$0.7	\$137.6	-
Indirect Subcontracts	\$52.4	-	\$58.8	\$0.1	\$6.5	\$0.1
Distributables	\$261.9	\$36.5	\$336.9	\$18.0	\$75.0	(\$18.5)
FNM Expenses	\$16.8	-	\$17.0	\$1.0	\$0.3	\$1.0
Construction Equipment (Fuel)	\$12.8	-	\$25.4	-	\$12.7	-
Start-up	-	\$96.2	-	\$97.0		\$0.9
Other Costs	\$127.0	\$47.2	\$198.0	\$56.6	\$66.0	\$9.3
Total	\$1,281.4	\$180.7	\$1,866.1	\$206.5	\$584.7	\$25.8



CONFIDENTIAL

CB&I Indirect Construction Assumptions

- Forward looking craft ratios (Direct to Indirect) are forecasted to be more in line with original estimate
- Cost for Facility/Infrastructure changes are incorporated.
- The estimate incorporates schedule extension since CO-16
- Indirect cost differential between Unit 2 Accelerated Schedule and Unit 2 Impacted/Partially Mitigated schedule are identified as those required for supporting the Shield Building

CONFIDENTIAL

20

CB&I Indirect Construction Variance Explanations

Indirect Cost Area	Variance Explanations
Indirect Construction Labor	<ul style="list-style-type: none"> Impacts related to project evolution have caused increases in the temporary infrastructure This includes additional facilities for a projected increase in the number of FNMs, increased laydown / storage space, extended durations of preventative maintenance, warehousing / material support personnel, etc.
FNM	<ul style="list-style-type: none"> Field Engineering has been impacted by design tolerances, volume of E&DCRs, work package process, etc. Increases in QA/QC resources is attributed to the increase in regulatory oversight, enhanced supplier inspections, and first article surveys A Corrective Action Program (CAP) team has been assembled to maintain corrective actions Additional resources have been required to support the design evolution
Subcontracts	<ul style="list-style-type: none"> The majority of Direct Subcontract impacts can be grouped into three buckets: design change impacts, scope shift from direct construction (shield building); and increased estimates
Distributables	<ul style="list-style-type: none"> Impacts related to project evolution have caused increases in the temporary infrastructure <ul style="list-style-type: none"> This includes additional facilities for an increased number of FNMs, increased laydown / storage space, etc. Per Diem cost impacts are attributed to increases in quantities and productivity
FNM Expenses	<ul style="list-style-type: none"> There were no significant impacts to the FNM expenses since C0-16
Construction Equipment Fuel	<ul style="list-style-type: none"> Costs associated with the projected schedule duration modification and the cost of fuel
Start-Up Costs	<ul style="list-style-type: none"> No significant impacts identified at this time
Other Costs	<ul style="list-style-type: none"> Cost increases resulting from estimate changes Use of mock-ups to prove design prior to field work



CONFIDENTIAL

21

CB&I Indirect Cost Mitigations

Indirect Cost Area	Mitigation Explanations
Indirect Construction Labor	<ul style="list-style-type: none"> Reduction in the temporary Infrastructure Decrease in the ratio of Indirect to Direct craft
FNM	<ul style="list-style-type: none"> Completion of Engineering with certainty of finalization and predictability of schedule A decrease in the volume of E&DCRs Reduction in the size, number and complexity of the Construction work packages
Subcontracts	<ul style="list-style-type: none"> Completion of the Design and increased "White Space" will allow subcontractors to: <ul style="list-style-type: none"> Improve the pre-construction planning Ensure the resources are onsite and in place to execute work scopes
Distributables	<ul style="list-style-type: none"> Improve the Craft Productivity thus decreasing Craft Per Diem Improved planning will result in a reduction of other distributable costs
FNM Expenses	<ul style="list-style-type: none"> Continuous monitoring of the FNM Expense accounts
Construction Equipment Fuel	<ul style="list-style-type: none"> Improved planning associated with the construction equipment execution Reduction in the overall amount of required equipment
Start-Up Costs	<ul style="list-style-type: none"> Alignment of the Start-up with the updated IPS and continuous monitoring of progress
Other Costs	<ul style="list-style-type: none"> Continuous monitoring of the Other Cost accounts in conjunction with mitigations above could reduce the risk of the project thus reducing the Other Costs impact



CONFIDENTIAL

Westinghouse Summary

- **Containment Vessel (Target)**-
 - Includes schedule delay estimate and change orders
- **Vendor Support (Target)**- No change in estimate
- **Engineering (T&M)**
 - Start Up & Testing
 - Includes scope changes, first of a kind testing per license (CVAP and FPOT), and hotel load costs
 - Licensing
 - Includes hotel load and projected overall licensing effort
 - Simulator Instructor Training – No change in estimate
 - Delayed COL Study – No change in estimate
 - ITAAC Maintenance - Includes estimate for regulatory change
 - Affordable Care Act - Estimate for regulatory change
- **Import Duties (T&M)**
 - Reduction based on actuals

CONFIDENTIAL

23

WEC Summary of Cost Impacts - Target \$2007 \$M

June 2019 SCD Impacted/Partially Accelerated Case

Cost Area	CO-16 Target	Proposed Estimate Target	Variance Target
EPC Management	-	\$31.5	\$31.5
WEC Subcontracts	-	-	-
Containment Vessel (@BI Services)	\$68.7	\$155.0	\$86.3
Vendor Installation Support	\$21.0	\$21.0	
Import Duties	-	-	-
Total WEC Costs	\$89.7	\$207.5	\$117.8



CONFIDENTIAL

24

WEC Summary of Cost Impacts – T&M

\$2007 \$M

June 2019 SCD Impacted / Partially Accelerated Case

Cost Area	CO-16 T&M	Proposed Estimate T&M	Variance T&M
WEC Engineering	-	-	-
Plant Startup & Testing	\$61.0	\$102.1	\$41.1
Licensing	\$2.2	\$39.3	\$37.1
Simulator Instructor Training	\$3.1	\$3.1	\$0.0
Delayed eOL Study	\$0.1	\$0.1	\$0.0
ITAAC Maintenance	-	\$3.0	\$3.0
Affordable Care Act	-	\$5.0	\$5.0
Other T&M	-	\$24.2	\$24.2
Import Duties	\$45.0	\$30.0	(\$15.0)
Total WEC Costs	\$111.5	\$206.7	\$95.2



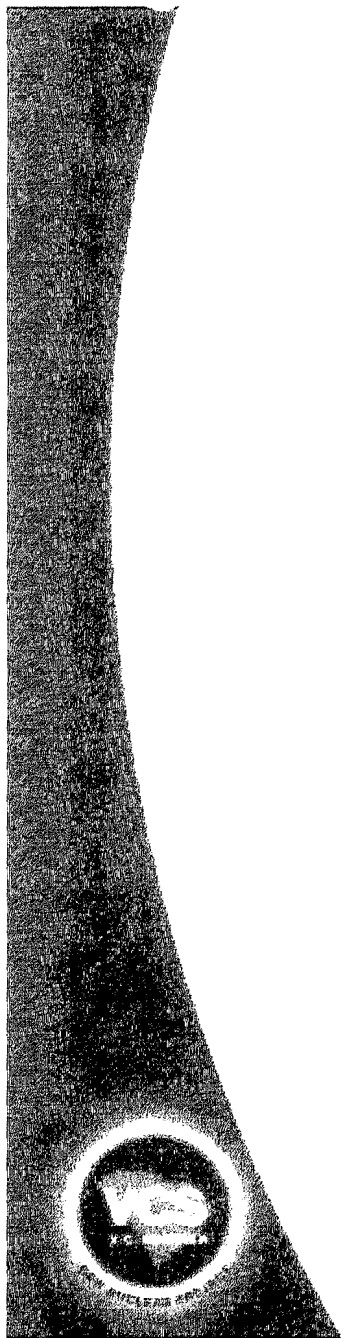
CONFIDENTIAL

25

Individual Estimates

CONFIDENTIAL

26



Quantity Changes

- The Quantity Estimate was broken into three (3) "Phases"
 - Phase I – Represented the change in quantities in Progress Tracker from CO-16 to June 2014
 - Phase II – Engineering estimated quantities for which the specific detailed quantities have not been identified (*i.e. cable feet but not specific gauge*)
 - Phase III – Engineering estimate of quantity risk associated with impacts that are known but have yet to be quantified are captured in contingency (*i.e. normal shut down after fire*)
- Non-key quantities associated with the key quantities were estimated to increase by the same percentage as the key quantities (*i.e. Rebar to Concrete*).

CONFIDENTIAL

Craft Productivity

- Analysis and reviews performed and consideration given to:
 - Unit – ability to recognize efficiencies of 2nd unit
 - Building – congestion, regulatory oversight, engineering completeness
 - Discipline – project and industry history
- Current PF \equiv 1.41 (U2 \equiv 2.15, U3 \equiv 1.74, SS \equiv 1.07)
 - Estimate based on several factors
 - Currently only 12.9% complete with direct construction. Typically would not reforecast PF until 20% complete with a particular scope
 - Assumes future Regulatory changes will not impair craft productivity
 - Design Reconciliation advantages (e.g. Tekla modeling)
 - Work Process Stream Improvements
- ETC PF of 1.15 to be realized through gradual improvements over 6 month period

CONFIDENTIAL

28

CB&I Schedule Impacts Estimate Summary- \$2007 \$M

June 2019 SCD Impacted/Partially Accelerated Case

Cost Area	Estimate Target	Estimate T&M
Indirect Construction Labor	\$65.3	\$3.4
FNM	\$65.5	\$0.2
Subcontracts	-	\$2.4
Distributables	\$72.5	-
FNM Expenses	\$1.0	-
Construction Equipment Fuel	\$4.4	-
Total.	\$208.6	\$6.0



CONFIDENTIAL

Conclusions

- **Estimate includes aggressive actions to mitigate schedule and cost impacts.**
- **Project is actively pursuing other improvement opportunities to control Owner/Consortium costs.**
- **The Consortium EAC team will be available to provide additional supporting information and answer questions as needed.**

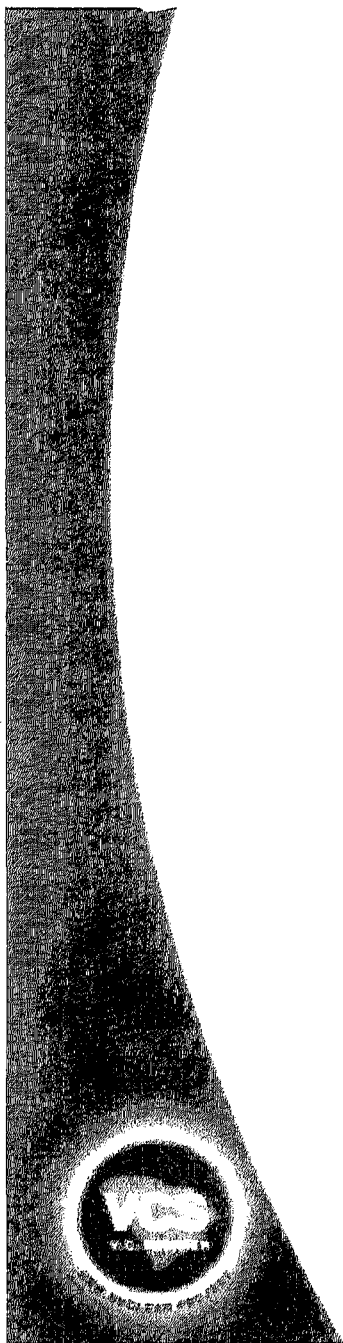


CONFIDENTIAL

Appendices

CONFIDENTIAL

31



Client Change Orders

CONFIDENTIAL

32

Site Layout Estimate Summary - \$2007 \$M

Cost Area	Estimate Target
Direct Labor - Site Specific	\$5.6
Indirect Construction Labor	\$1.8
FNM	\$2.5
Direct Subcontracts	\$5.9
Indirect Subcontracts	\$0.4
Distributables	\$0.8
FNM Expenses	-
Construction Equipment	-
Fuel	-
Other Costs	\$3.4
Total	\$20.5



CONFIDENTIAL

33

Site Layout

- Estimate development incorporated a bottoms up approach focused on the engineered quantities. The approach was similar to previously provided estimates including:
 - Indirect Craft was developed using crewed approach for work items
 - For Example: General site clean-up was based on ratios to direct craft as per the As-Sold estimate

CONFIDENTIAL

34

Cyber Security Estimate Summary - \$2007 \$M

Cost Area	T&M
Indirect Construction Labor	\$0.1
FNM	\$5.6
Subcontracts	-
Distributables	\$0.2
FNM Expenses	\$1.0
Construction Equipment	-
Fuel	-
Start-Up Costs	-
Other Costs	\$1.7
Westinghouse	\$24.2
Total	\$32.8



CONFIDENTIAL

35

Cyber Security

- The Consortium has identified approximately 180 commodities
 - 71 of the commodities are identified as being CB&I scope
- There are approximately 49 Standard Plant systems and 22 Site Specific commodities that are defined as critical.
- Direct Labor costs are based on an estimated 500 CDAs.
- CB&I will support WEC's lead in the development of a Critical Digital Asset Tamper Seal procedure (per Section 2.1.3 of the TD).
- CB&I estimates includes impacts associated with the revision and implementation of internal procedures
 - Initial estimate is a minimum of fifteen (15) procedures will be impacted by cyber security requirements

CONFIDENTIAL

36

NND REQUEST -GGS-#-4

ORS NND REQUEST FORM
South Carolina Electric and Gas Company
Docket No. 2015-103-E

Please acknowledge receipt of request by email.

For information the Company deems confidential, the Company must:

1. Insert placeholders and separate the confidential information from the non-confidential information. The placeholders will alert the reader that a response containing confidential information was removed and sent separate from the non-confidential information;
2. Mark each page of the confidential information as "**CONFIDENTIAL**" Only confidential pages/information should be marked confidential;
3. Provide a list of the confidential information along with the total number of pages for each confidential item on the list. The list should be provided with each copied set of confidential information; and,
4. For **EACH** item marked "**CONFIDENTIAL**" state specifically why the item is confidential, the person who made the determination, and their contact information (telephone and email).

DATE: **April 23, 2015**

TO: **Byron Hinson, Chad Burgess**

FROM: **Gene G. Soult**

UTILITY: **South Carolina Electric & Gas Company**
Updates and Revisions to the Capital Cost Schedule and the Construction Schedule
Docket No. 2015-103-E

PURPOSE: **Follow up on initial AIR submittal**

REQUEST THE FOLLOWING ITEMS BE PROVIDED BY: 4/30/2015

REQUEST DESCRIPTION: Additional Questions- Referenced Below:

1. 4.1- Petition- Paragraph-27-
 - a. Please provide an exact duplicate of the Revised Cash Flow Forecast that WEC/CB&I provided to SCE&G.
 - b. Please provide a copy of any and all documents supporting the Revised Cash Flow Forecast that WEC/CB&I provided to SCE&G to include draft Change Orders, etc.

Response

For the Revised Cash Flow Forecast that WEC/CB&I provided to SCE&G and any and all documents provided by WEC/CBI to SCE&G in support of that forecast, please see the response to ORS Audit Request # 2, Question #2.

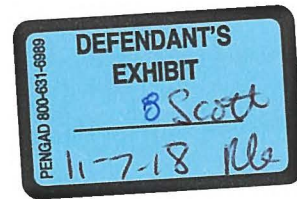
2. 4.2- Petition- Paragraph 38- Please provide copies of any and all documents where WEC/CB&I requests a contract "Change" under Section 9.1 of the EPC Contract associated with the Delay and Other EAC Costs totaling 411 Million.

Response

3. 4.3- Petition- Paragraph-31- Please provide the status and any supporting documentation of the WEC/CB&I and SCE&G negotiations concerning responsibility for the Delay and other EAC Costs totaling 411 Million.

Thank you,

Gene G. Soult, ORS, SRA



ORS NND DEPARTMENT REQUEST FORM

South Carolina Electric and Gas Company

Docket No. 2015-103-E

Please acknowledge receipt of request by email.

For information the Company deems confidential, the Company must:

1. Insert placeholders and separate the confidential information from the non-confidential information. The placeholders will alert the reader that a response containing confidential information was removed and sent separate from the non-confidential information;
2. Mark each page of the confidential information as "CONFIDENTIAL." Only confidential pages/information should be marked confidential; and,
3. Provide a list of the confidential information along with the total number of pages for each confidential item on the list. The list should be provided with each copied set of confidential information; and
4. For EACH item marked "CONFIDENTIAL" state specifically why the item is confidential, the person who made the determination, and their contact information (telephone and email).

DATE: May 22, 2015

TO: Chad Burgess
cc: Byron Hinson, Jeff Nelson, Shannon Hudson and Anthony James

FROM: Gary C. Jones

UTILITY: South Carolina Electric & Gas Company
Updates and Revisions to the Capital Cost Schedule and the Construction Schedule

Schedule: Docket No. 2015-103-E

PURPOSE: Follow up on initial AIR submittal

REQUEST THE FOLLOWING ITEMS BE PROVIDED BY: May 29, 2015

REQUEST DESCRIPTION:

1. In your response to question #6 of ORS NND Request-GCJ-2 you state that the productivity factor of 1.15 was chosen by the Consortium as the basis for the EAC and the previous values that ORS had seen were actual values. However, the point of the question is to explain how SCE&G can accept a productivity factor as the basis of the EAC that reflects a significantly higher level of productivity than has yet to be

realized during the previous several months of high levels of construction activity. I call your attention to the comparison of the cumulative earned construction man-hours vs. the actual expended man-hours that is reported on Slides 143 and 144 of the April 16, 2015 Project Review Meeting and documented in the Meeting Minutes, dated May 8, 2015. A calculation of productivity factors using these values would result in a productivity factor significantly different from the 1.15 value. Please explain the basis of your acceptance of the 1.15 productivity factor.

SOUTH CAROLINA ELECTRIC & GAS COMPANY
OFFICE OF REGULATORY STAFF'S NND REQUEST-GCJ-#3
DOCKET NO. 2015-103-E

QUESTION #1:

In your response to question #6 of ORS NND Request-GCJ-2 you state that the productivity factor of 1.15 was chosen by the Consortium as the basis for the EAC and the previous values that ORS had seen were actual values. However, the point of the question is to explain how SCE&G can accept a productivity factor as the basis of the EAC that reflects a significantly higher level of productivity than has yet to be realized during the previous several months of high levels of construction activity. I call your attention to the comparison of the cumulative earned construction man-hours vs. the actual expended man-hours that is reported on Slides 143 and 144 of the April 16, 2015 Project Review Meeting and documented in the Meeting Minutes, dated May 8, 2015. A calculation of productivity factors using these values would result in a productivity factor significantly different from the 1.15 value. Please explain the basis of your acceptance of the 1.15 productivity factor.

Response:

In their revised EAC Cost forecasts and revised milestone schedule, the Consortium represented that it will improve the productivity factor from current levels to 1.15. Based upon productivity factors achieved to date on Units 2 and 3, SCE&G has had frank discussions with the Consortium about achieving the improved productivity factor of 1.15. However, the Company believes that it would be speculative to use a different productivity factor and further does not believe it is appropriate or in the best interest of SCE&G and its customers to suggest to the Consortium that it should not make every effort to meet its commitment to improve labor productivity. Consequently, after careful review and analysis as described in the prefiled direct testimony of Company Witnesses Marsh, Byrne, Jones, and Walker and based upon the information currently available to the Company, SCE&G has approved for filing as reasonable and prudent the EAC cost forecast recognizing that it includes the improved productivity factor toward which the Consortium committed to work to achieve. Based upon SCE&G's careful review and analysis, the Company believes the revised milestone schedule and capital cost schedule proposed in this case should be approved under the BLRA as the anticipated schedules under which to complete Units 2 and 3.

SOUTH CAROLINA ELECTRIC & GAS COMPANY
OFFICE OF REGULATORY STAFF'S NND REQUEST-GCJ-#4
DOCKET NO. 2015-103-E

QUESTION #1:

Please identify, list and describe any and all Delay and Other EAC Costs as defined in this filing that have been paid by SCE&G as of this date.

Response:

None. The delay costs related to the category designated as Delay and Other EAC Cost on Chart A of Ms. Walker's prefiled direct testimony have not yet occurred, and, consequently, have not been paid by SCE&G as of this date.

QUESTION #2:

Please identify, list and describe any and all Owner's Cost Associated with Delay as defined in this filing that have been paid by SCE&G as of this date.

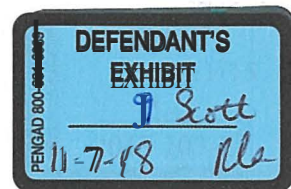
Response:

None. The delay costs related to the category designated as Owner's Cost Associated with the Delay on Chart A of Ms. Walker's prefiled direct testimony have not yet occurred, and, consequently, have not been paid by SCE&G as of this date.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2015-103-E

June 29, 2015



IN RE:

Petition of South Carolina Electric & Gas
 Company for Updates and Revisions to
 Schedules Related to the Construction of a
 Nuclear Base Load Generation Facility at
 Jenkinsville, South Carolina

)
)
)
)
)
)
)

**SETTLEMENT
 AGREEMENT**

This Settlement Agreement ("Settlement Agreement") is made by and among the South Carolina Office of Regulatory Staff ("ORS"); South Carolina Energy Users Committee ("SCEUC"); and South Carolina Electric & Gas Company ("SCE&G" or the "Company") (collectively referred to as the "Parties" or sometimes individually as a "Party").

WHEREAS, on March 12, 2015, SCE&G filed a petition with the Public Service Commission of South Carolina ("Commission") requesting an order from the Commission approving an updated capital cost schedule and updated construction schedule for the construction of two 1,117 net megawatt nuclear units (the "Units") to be located at the V.C. Summer Nuclear Station near Jenkinsville, South Carolina (the "Petition");

WHEREAS, SCE&G filed its Petition pursuant to S.C. Code Ann. § 58-33-270(E) (Supp. 2014) of the Base Load Review Act ("BLRA"), which states:

(E) As circumstances warrant, the utility may petition the commission, with notice to the Office of Regulatory Staff, for an order modifying any of the schedules, estimates, findings, class allocation factors, rate designs, or conditions that form part of any base load review order issued under this section. The commission

shall grant the relief requested if, after a hearing, the commission finds:

- (1) as to the changes in the schedules, estimates, findings, or conditions, that the evidence of record justifies a finding that the changes are not the result of imprudence on the part of the utility; and
- (2) as to the changes in the class allocation factors or rate designs, that the evidence of record indicates the proposed class allocation factors or rate designs are just and reasonable.

WHEREAS, the Commission established Docket No. 2015-103-E in which to hear the Company's request set forth in the Petition;

WHEREAS, among other statements, SCE&G states in its Petition that circumstances warrant modifying the schedules approved in the most recent Base Load Review order because in 2014 Westinghouse Electric Company ("WEC") and Chicago Bridge & Iron ("CB&I", and together with WEC, the "Consortium") reevaluated the engineering, procurement, and construction ("EPC") activities necessary to complete the Units and provided SCE&G a revised, fully-integrated construction schedule (the "Revised Fully-Integrated Construction Schedule") with an associated cash flow forecast for completion of the project (the "Revised Cash Flow Forecast");

WHEREAS, the Revised Fully-Integrated Construction Schedule reflects new substantial completion dates for Units 2 and 3 of June 19, 2019, and June 16, 2020, respectively ("Substantial Completion Dates");

WHEREAS, the updated capital cost schedule associated with the revised Substantial Completion Dates includes approximately \$698 million in additional capital costs of which \$245 million represents Owner's costs and \$453 million represents EPC Contract costs;

WHEREAS, SCE&G has asserted, among other things, that it is not responsible for costs related to the delay in the project and that the Consortium is liable for these costs as a result of its

failure to meet its responsibilities under the EPC Contract and otherwise. Nevertheless, it is clear that it will take the Consortium until June 19, 2019, and June 16, 2020, to complete Units 2 and 3, respectively, and that the additional costs reflected in the updated capital cost schedule will be incurred and are reasonable and necessary in completing the work on the Units;¹

WHEREAS, the Consortium has not accepted responsibility for SCE&G's assertions;

WHEREAS, as set forth in the prefiled direct testimony of Stephen A. Byrne, SCE&G and the Consortium currently are engaged in active negotiations concerning the responsibility for the increased cost resulting from the delay and other disputed issues;

WHEREAS, after careful review conducted over many weeks and the performance of careful analyses using teams of experts in accounting, finance, and construction, SCE&G determined that circumstances warranted petitioning the Commission, under the BLRA, to update the approved construction schedule and the approved capital cost schedule to reflect reasonable and prudent changes to these schedules based upon the information currently available to SCE&G;²

WHEREAS, based on its review and analyses and as stated in its Petition, SCE&G has modified, and submitted for consideration and approval of the Commission the BLRA Milestone Construction Schedule, as reflected in Settlement Exhibit 1 attached hereto and incorporated herein by this reference, to align remaining BLRA Milestones as approved in Order No. 2012-884 to the new Substantial Completion Dates and to the current construction and fabrication schedules;

¹ The Parties' agreement that these additional capital costs are "reasonable and necessary," in the context of the BLRA, is independent of the issue of whether SCE&G or the Consortium is ultimately responsible for the delay and associated costs, which is an issue that is governed by the EPC Agreement.

² In presenting the modified and updated construction and capital cost schedules as reasonable and prudent for approval under the BLRA, SCE&G does not waive, but specifically reserves, its rights against the Consortium under the EPC Contract and otherwise to dispute who is liable for the increased cost of the project, to recover damages for the delay in the Substantial Completion Dates of the Units, to continue to negotiate with the Consortium seeking to achieve fair resolutions of these disputes, and for other appropriate relief.

WHEREAS, based on its review and analyses and as stated in its Petition, SCE&G has also modified, and submitted for consideration and approval of the Commission, the capital cost schedule for completion of the Units, as reflected in Settlement Exhibit 2, attached hereto and incorporated herein by this reference, to reflect (a) the effect of the new Substantial Completion Dates on Owner's costs and EPC Contract costs; and (b) other changes in costs that have been identified since Order Exhibit No. 1 was approved by the Commission in Order No. 2012-884;

WHEREAS, S.C. Code Ann. § 58-33-277(B) (Supp. 2014) of the BLRA provides that
ORS:

shall conduct on-going monitoring of the construction of the plant and expenditure of capital through review and audit of the quarterly reports under this article, and shall have the right to inspect the books and records regarding the plant and the physical progress of construction upon reasonable notice to the utility,

WHEREAS, in connection with this case as well as since the inception of this project, ORS has exercised its rights and fulfilled its responsibilities under S.C. Code Ann. § 58-33-277 (Supp. 2014) to monitor the status of the project, by, among other things, routinely and regularly observing the progress of the plant construction and submodule production, requesting and reviewing substantial amounts of relevant financial data from the Company, auditing the quarterly reports submitted by the Company pursuant to the BLRA, inspecting the books and records of the Company regarding the plant and physical progress of construction, and reviewing in detail SCE&G's request to modify the Units' construction schedule and capital cost schedule in the above-captioned matter;

WHEREAS, SCE&G has provided information deemed satisfactory by ORS and SCEUC to support the relief requested in the Petition that the delay in the Substantial Completion Dates and other changes in construction, construction oversight, and operational readiness requirements result in necessary and reasonable modifications to the capital cost and BLRA Milestone

Construction schedule under the terms of the BLRA and are not the result of imprudence on the part of the Company;

WHEREAS, the Commission allowed for public comment and intervention in the above-captioned docket;

WHEREAS, ORS is automatically a party of record to proceeding pursuant to S.C. Code Ann. § 58-4-10(B) (Supp. 2014);

WHEREAS, SCEUC made a timely request to intervene in this docket;

WHEREAS, the Parties have varying positions regarding the issues in this case;

WHEREAS, the Parties to this Settlement Agreement have engaged in discussions to determine if a Settlement Agreement would be in their best interest; and

WHEREAS, following these discussions the Parties have each determined that their interest and the public interest would be best served by agreeing to settle the issues in the above-captioned case under the terms and conditions set forth in this Settlement Agreement;

NOW, THEREFORE, the Parties hereby stipulate and agree to the following terms:

A. STIPULATION OF SETTLEMENT AGREEMENT, TESTIMONY AND WAIVER OF CROSS-EXAMINATION

1. The Settling Parties agree to stipulate into the record before the Commission this Settlement Agreement.

2. The Settling Parties agree to stipulate into the record before the Commission the prefiled testimony and exhibits (collectively "Stipulated Testimony") of the following witnesses without objection, change, amendment, or cross-examination with the exception of changes comparable to that which would be presented via an errata sheet or through a witness noting a correction consistent with this Settlement Agreement. The Settling Parties agree that no other evidence will be offered in the proceeding by them other than the Stipulated Testimony and exhibits and this Settlement Agreement unless additional evidence is necessary to support the

Settlement Agreement. The Settling Parties also reserve the right to engage in redirect examination of witnesses as necessary to respond to issues raised by the examination of their witnesses, if any, by non-Parties or by testimony filed by non-Parties.

SCE&G witnesses

1. Kevin B. Marsh
2. Stephen A. Byrne
3. Ronald A. Jones
4. Carlette L. Walker
5. Joseph M. Lynch

ORS witness:

1. M. Anthony James

If SCE&G determines that rebuttal testimony should be filed in response to any testimony filed by any Intervenor that is not a signatory to this Settlement Agreement, then the Parties hereto agree that any such testimony likewise would be stipulated into the record before the Commission under this Settlement Agreement without objection, change, amendment, or cross-examination with the exception of changes comparable to that which would be presented via an errata sheet or through a witness noting a correction consistent with this Settlement Agreement.

B: SETTLEMENT TERMS

3. SCE&G has identified and itemized approximately \$698 million in additional capital costs that it deems as reasonable and necessary for completion of the construction of the Units through the delayed Substantial Completion Dates. These additional capital costs have been assigned to specific cost categories and are reflected and included in Settlement Exhibit 2.

4. These modifications increase the capital cost for the Units in 2007 dollars from the approximately \$4.5 billion, approved by the Commission in Order No. 2012-884, Order Exhibit No. 1 to approximately \$5.2 billion. Further, along with changes in escalation rates, these

modifications increase the gross construction cost of the Units in current dollars from the approximately \$5.7 billion approved by the Commission in Order No. 2012-884, Order Exhibit No. 1 to approximately \$6.8 billion as reflected in Settlement Exhibit 2.

5. The Parties agree that the modified construction schedule and capital cost schedule are not the result of imprudence by SCE&G and are fully consistent with the requirements of the BLRA.

6. The Parties agree that the updated construction schedule, as reflected in the updated BLRA Milestone Construction schedule attached hereto as Settlement Exhibit 1, should be approved by the Commission as the new construction schedule.

7. The Parties also agree that the restated and updated capital cost schedule, as reflected in Settlement Exhibit 2 attached hereto, should be approved by the Commission as the new construction expenditure schedule for completion of the Units. Specifically, Settlement Exhibit 2 should replace and supersede Order Exhibit No. 1 of Order No. 2012-884.

8. By Commission Order No. 2009-104(A), the Commission established a return on equity of eleven percent (11%), which is applicable for revised rates filings under the Base Load Review Act. This return on equity has been consistently and lawfully used for each revised rates filing advanced by the Company since issuance of the initial Base Load Review order in 2009. However, as an integral part of this Settlement Agreement and for Base Load Review Act purposes only, beginning with any revised rates filing made on or after January 1, 2016, and prospectively thereafter until such time as the Units are completed, SCE&G agrees to develop and calculate its revised rates filings using ten and one-half percent (10.5%) as the return on common equity rather than the approved return on common equity of eleven percent (11%) subject to Paragraph 14 hereof³.

³ Any revised rates placed into effect prior to January 1, 2016, shall not be affected by this Settlement Agreement, and the Parties specifically agree that Paragraph 8 of the Settlement Agreement is not intended to

9. As set forth in S.C. Code Ann. § 58-33-277 (Supp. 2014) of the BLRA, ORS will continue to monitor the progress of the Units' construction, including the ongoing status of negotiations between SCE&G and the Consortium of disputes related to the delayed Substantial Completion Dates and costs associated therewith.

10. The Parties agree that the terms of this Settlement Agreement are reasonable, in the public interest and in accordance with law and regulatory policy.

11. ORS is charged with the duty to represent the public interest of South Carolina pursuant to S.C. Code Ann. § 58-4-10(B) (Supp. 2014). S.C. Code Ann. § 58-4-10(B)(1) through (3) reads in part as follows:

"... 'public interest' means a balancing of the following:

- (1) Concerns of the using and constituting public with respect to public utility services; regardless of the class of customer;
- (2) Economic development and job attraction and retention in South Carolina; and
- (3) Preservation of the financial integrity of the State's public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services."

12. The Parties agree to cooperate in good faith with one another in recommending to the Commission that this Settlement Agreement be accepted and approved by the Commission as a fair, reasonable and full resolution of all issues in the above-captioned proceeding, and shall neither take any position contrary to the good faith duty agreed to herein nor encourage or aid any other Intervenor to take a position contrary to the terms of this Settlement Agreement. The Parties agree to use reasonable efforts to defend and support any Commission order with no

require SCE&G to provide any offset, credit, refund, reimbursement, or other compensation to customers for rates considered and approved by the Commission and placed into effect prior to January 1, 2016. The reduction in the Company's return on equity shall only be prospectively applied for the purpose of calculating revised rates sought by the Company on and after January 1, 2016, until such time as the Units are completed and for Base Load Review Act purposes only.

other provisions issued approving this Settlement Agreement and the terms and conditions contained herein.

13. The Parties request that the Commission hold a hearing on this Settlement Agreement, pursuant to S.C. Code Ann. § 58-33-270(G) (Supp. 2014), simultaneously with the hearing on the merits of the Petition, which is currently scheduled to begin on July 21, 2015, and request that the Commission adopt this Settlement Agreement as part of its order in this proceeding. In furtherance of this request, the Parties stipulate and agree that the terms of this Settlement Agreement comport with the terms of the BLRA.

14. This Settlement Agreement contains the complete agreement of the Parties. There are no other terms and conditions to which the Parties have agreed. The Parties agree that this Settlement Agreement will not constrain, inhibit or impair their arguments or positions held in future proceedings, nor will this Settlement Agreement, or any of the matters agreed to in it, be used as evidence or precedent in any future proceeding. Any Party may withdraw from the Settlement Agreement without penalty if (i) the Commission does not approve this Settlement Agreement in its entirety or (ii) an appellate court does not affirm in all respects the Commission's order approving this Settlement Agreement in its entirety. If a Party elects to withdraw from the Settlement Agreement pursuant to this paragraph, then the provisions of this Settlement Agreement will no longer be binding upon the Parties.

15. This Settlement Agreement shall be effective upon execution by the Parties and shall be interpreted according to South Carolina law. The above terms and conditions fully represent the agreement of the Parties hereto. Therefore, each Party acknowledges its consent and agreement to the terms and conditions of this Settlement Agreement by affixing his or her signature or authorizing its counsel to affix his or her signature to this document where indicated below. Counsel's signature represents his or her representation that his or her client has authorized the execution of the Settlement Agreement. Facsimile signatures and e-mail

signatures shall be as effective as original signatures to bind any party. This document may be signed in counterparts, with the various signature pages combined with the body of the document constituting an original and provable copy of this Settlement Agreement.

[Signatures on the following pages.]

WE AGREE:

Representing and binding the South Carolina Office of Regulatory Staff

Shannon B. Hudson

Shannon Bowyer Hudson, Esquire

Jeffrey M. Nelson, Esquire

South Carolina Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, SC 29201

Phone: (803) 737-0889

Fax: (803) 737-0895

Email: shudson@regstaff.sc.gov

jnelson@regstaff.sc.gov

WE AGREE:


Representing and binding South Carolina Energy Users Committee



Scott Elliott, Esquire
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, SC 29201
Phone: (803) 771-0555
Fax: (803) 771-8010
Email: selliott@elliottlaw.us

WE AGREE:

Representing and binding South Carolina Electric & Gas Company



K. Chad Burgess, Esquire
Matthew W. Gissendanner, Esquire
South Carolina Electric & Gas Company
Mail Code C222
220 Operation Way
Cayce, SC 29033
Phone: (803) 217-8141
Fax: (803) 217-7931
Email: chad.burgess@scana.com
matthew.gissendanner@scana.com

Belton T. Zeigler, Esquire
Womble Carlyle Sandridge & Rice, LLP
1727 Hampton Street
Columbia, SC 29201
Phone: (803) 454-6504
Fax: (803) 454-6509
Email: bzeigler@popezeigler.com

Mitchell Willoughby, Esquire
Willoughby & Hoefer, P.A.
Post Office Box 8416
930 Richland Street
Columbia, SC 29202-8416
Phone: (803) 252-3300
Fax: (803) 256-8062
Email: mwilloughby@willoughbyhoefer.com

**BLRA Milestones
VC Summer Units 2 and 3**

Settlement Exhibit 1
Exhibit No. __ (SAB-2)

Tracking ID	Order No. 2012-884 Description	Order No. 2012-884 Date	Revised Completion Date	Unit
1	Approve Engineering Procurement and Construction Agreement	Complete	Complete	
2	Issue POs to nuclear component fabricators for Units 2 & 3 Containment Vessels	Complete	Complete	
3	Contractor Issue PO to Passive Residual Heat Removal Heat Exchanger Fabricator - First Payment - Unit 2	Complete	Complete	
4	Contractor Issue PO to Accumulator Tank Fabricator - Unit 2	Complete	Complete	
5	Contractor Issue PO to Core Makeup Tank Fabricator - Units 2 & 3	Complete	Complete	
6	Contractor Issue PO to Squib Valve Fabricator - Units 2 & 3	Complete	Complete	
7	Contractor Issue PO to Steam Generator Fabricator - Units 2 & 3	Complete	Complete	
8	Contractor Issue Long Lead Material PO to Reactor Coolant Pump Fabricator - Units 2 & 3	Complete	Complete	
9	Contractor Issue PO to Pressurizer Fabricator - Units 2 & 3	Complete	Complete	
10	Contractor Issue PO to Reactor Coolant Loop Pipe Fabricator - First Payment - Units 2 & 3	Complete	Complete	
11	Reactor Vessel Internals - Issue Long Lead Material PO to Fabricator - Units 2 & 3	Complete	Complete	
12	Contractor Issue Long Lead Material PO to Reactor Vessel Fabricator - Units 2 & 3	Complete	Complete	
13	Contractor Issue PO to Integrated Head Package Fabricator - Units 2 & 3	Complete	Complete	
14	Control Rod Drive Mechanism Issue PO for Long Lead Material to Fabricator - Units 2 & 3 - first payment	Complete	Complete	
15	Issue POs to nuclear component fabricators for Nuclear Island structural CA20 Modules	Complete	Complete	
16	Start Site Specific and balance of plant detailed design	Complete	Complete	
17	Instrumentation & Control Simulator - Contractor Place Notice to Proceed - Units 2 & 3	Complete	Complete	
18	Steam Generator - Issue Final PO to Fabricator for Units 2 & 3	Complete	Complete	
19	Reactor Vessel Internals - Contractor Issue PO for Long Lead Material (Heavy Plate and Heavy Forgings) to Fabricator - Units 2 & 3	Complete	Complete	
20	Contractor Issue Final PO to Reactor Vessel Fabricator - Units 2 & 3	Complete	Complete	
21	Variable Frequency Drive Fabricator Issue Transformer PO - Units 2 & 3	Complete	Complete	
22	Start clearing, grubbing and grading	Complete	Complete	
23	Core Makeup Tank Fabricator Issue Long Lead Material PO - Units 2 & 3	Complete	Complete	
24	Accumulator Tank Fabricator Issue Long Lead Material PO - Units 2 & 3	Complete	Complete	
25	Pressurizer Fabricator Issue Long Lead Material PO - Units 2 & 3	Complete	Complete	
26	Reactor Coolant Loop Pipe - Contractor Issue PO to Fabricator - Second Payment - Units 2 & 3	Complete	Complete	
27	Integrated Head Package - Issue PO to Fabricator - Units 2 and 3 - second payment	Complete	Complete	
28	Control Rod Drive Mechanisms - Contractor Issue PO for Long Lead Material to Fabricator - Units 2 & 3	Complete	Complete	
29	Contractor Issue PO to Passive Residual Heat Removal Heat Exchanger Fabricator - Second Payment - Units 2 & 3	Complete	Complete	
30	Start Parr Road intersection work	Complete	Complete	
31	Reactor Coolant Pump - Issue Final PO to Fabricator - Units 2 & 3	Complete	Complete	
32	Integrated Heat Packages Fabricator Issue Long Lead Material PO - Units 2 & 3	Complete	Complete	
33	Design Finalization Payment 3	Complete	Complete	
34	Start site development	Complete	Complete	
35	Contractor Issue PO to Turbine Generator Fabricator - Units 2 & 3	Complete	Complete	
36	Contractor Issue PO to Main Transformers Fabricator - Units 2 & 3	Complete	Complete	
37	Core Makeup Tank Fabricator Notice to Contractor Receipt of Long Lead Material - Units 2 & 3	Complete	Complete	
38	Design Finalization Payment 4	Complete	Complete	
39	Turbine Generator Fabricator Issue PO for Condenser Material - Unit 2	Complete	Complete	
40	Reactor Coolant Pump Fabricator Issue Long Lead Material Lot 2 - Units 2 & 3	Complete	Complete	
41	Passive Residual Heat Removal Heat Exchanger Fabricator Receipt of Long Lead Material - Units 2 & 3	Complete	Complete	
42	Design Finalization Payment 5	Complete	Complete	
43	Start erection of construction buildings, to include craft facilities for personnel, tools, equipment; first aid facilities; field offices for site management and support personnel; temporary warehouses; and construction hiring office	Complete	Complete	
44	Reactor Vessel Fabricator Notice to Contractor of Receipt of Flange Nozzle Shell Forging - Unit 2	Complete	Complete	
45	Design Finalization Payment 6	Complete	Complete	
46	Instrumentation and Control Simulator - Contractor Issue PO to Subcontractor for Radiation Monitor System - Units 2 & 3	Complete	Complete	
47	Reactor Vessel Internals - Fabricator Start Fit and Welding of Core Shroud Assembly - Unit 2	Complete	Complete	
48	Turbine Generator Fabricator Issue PO for Moisture Separator Reheater/Feedwater Heater Material - Unit 2	Complete	Complete	
49	Reactor Coolant Loop Pipe Fabricator Acceptance of Raw Material - Unit 2	Complete	Complete	

South Carolina Electric & Gas Company

**BLRA Milestones
VC Summer Units 2 and 3**

Settlement Exhibit 1
Exhibit No. __ (SAB-2)

Tracking ID	Order No. 2012-884 Description	Order No. 2012-884 Date	Revised Completion Date	Unit
50	Reactor Vessel Internals - Fabricator Start Weld Neutron Shield Spacer Pads to Assembly - Unit 2	Complete	Complete	
51	Control Rod Drive Mechanisms - Fabricator to Start Procurement of Long Lead Material - Unit 2	Complete	Complete	
52	Contractor Notified that Pressurizer Fabricator Performed Cladding on Bottom Head - Unit 2	Complete	Complete	
53	Start excavation and foundation work for the standard plant for Unit 2	Complete	Complete	
54	Steam Generator Fabricator Notice to Contractor of Receipt of 2nd Steam Generator Tubesheet Forging - Unit 2	Complete	Complete	
55	Reactor Vessel Fabricator Notice to Contractor of Outlet Nozzle Welding to Flange Nozzle Shell Completion - Unit 2	Complete	Complete	
56	Turbine Generator Fabricator Notice to Contractor Condenser Fabrication Started - Unit 2	Complete	Complete	
57	Complete preparations for receiving the first module on site for Unit 2	Complete	Complete	
58	Steam Generator Fabricator Notice to Contractor of Receipt of 1st Steam Generator Transition Cone Forging - Unit 2	Complete	Complete	
59	Reactor Coolant Pump Fabricator Notice to Contractor of Manufacturing of Casing Completion - Unit 2	Complete	Complete	
60	Reactor Coolant Loop Pipe Fabricator Notice to Contractor of Machining, Heat Treating & Non-Destructive Testing Completion - Unit 2	Complete	Complete	
61	Core Makeup Tank Fabricator Notice to Contractor of Satisfactory Completion of Hydrotest - Unit 2	Complete	Complete	
62	Polar Crane Fabricator Issue PO for Main Hoist Drum and Wire Rope - Units 2 & 3	Complete	Complete	
63	Control Rod Drive Mechanisms - Fabricator to Start Procurement of Long Lead Material - Unit 3	Complete	Complete	
64	Turbine Generator Fabricator Notice to Contractor Condenser Ready to Ship - Unit 2	Complete	Complete	
65	Start placement of mud mat for Unit 2	Complete	Complete	
66	Steam Generator Fabricator Notice to Contractor of Receipt of 1st Steam Generator Tubing - Unit 2	Complete	Complete	
67	Pressurizer Fabricator Notice to Contractor of Welding of Upper and Intermediate Shells Completion - Unit 2	Complete	Complete	
68	Reactor Vessel Fabricator Notice to Contractor of Closure Head Cladding Completion - Unit 3	Complete	Complete	
69	Begin Unit 2 first nuclear concrete placement	Complete	Complete	
70	Reactor Coolant Pump Fabricator Notice to Contractor of Stator Core Completion - Unit 2	Complete	Complete	
71	Fabricator Start Fit and Welding of Core Shroud Assembly - Unit 2	Complete	Complete	
72	Steam Generator Fabricator Notice to Contractor of Completion of 1st Steam Generator Tubing Installation - Unit 2	Complete	Complete	
73	Reactor Coolant Loop Pipe - Shipment of Equipment to Site - Unit 2	Complete	Complete	
74	Control Rod Drive Mechanism - Ship Remainder of Equipment (Latch Assembly & Rod Travel Housing) to Head Supplier - Unit 2	Complete	Complete	
75	Pressurizer Fabricator Notice to Contractor of Welding of Lower Shell to Bottom Head Completion - Unit 2	Complete	Complete	
76	Steam Generator Fabricator Notice to Contractor of Completion of 2nd Steam Generator Tubing Installation - Unit 2	Complete	Complete	
77	Design Finalization Payment 14	Complete	Complete	
78	Set module CA04 for Unit 2	Complete	Complete	
79	Passive Residual Heat Removal Heat Exchanger Fabricator Notice to Contractor of Final Post Weld Heat Treatment - Unit 2	Complete	Complete	
80	Passive Residual Heat Removal Heat Exchanger Fabricator Notice to Contractor of Completion of Tubing - Unit 2	Complete	Complete	
81	Polar Crane Fabricator Notice to Contractor of Girder Fabrication Completion - Unit 2	Complete	Complete	
82	Turbine Generator Fabricator Notice to Contractor Condenser Ready to Ship - Unit 3	Complete	Complete	
83	Set Containment Vessel ring #1 for Unit 2	Complete	Complete	
84	Reactor Coolant Pump Fabricator Delivery of Casings to Port of Export - Unit 2	Complete	Complete	
85	Reactor Coolant Pump Fabricator Notice to Contractor of Stator Core Completion - Unit 3	Complete	Complete	
86	Reactor Vessel Fabricator Notice to Contractor of Receipt of Core Shell Forging - Unit 3	Complete	Complete	
87	Contractor Notified that Pressurizer Fabricator Performed Cladding on Bottom Head - Unit 3	Complete	Complete	
88	Set Nuclear Island structural module CA03 for Unit 2	6/26/2013	12/28/2015	Unit 2
89	Squib Valve Fabricator Notice to Contractor of Completion of Assembly and Test for Squib Valve Hardware - Unit 2	Complete	Complete	
90	Accumulator Tank Fabricator Notice to Contractor of Satisfactory Completion of Hydrotest - Unit 3	Complete	Complete	
91	Polar Crane Fabricator Notice to Contractor of Electric Panel Assembly Completion - Unit 2	Complete	Complete	
92	Start containment large bore pipe supports for Unit 2	Complete	Complete	
93	Integrated Head Package - Shipment of Equipment to Site - Unit 2	Complete	Complete	
94	Reactor Coolant Pump Fabricator Notice to Contractor of Final Stator Assembly Completion - Unit 2	Complete	Complete	
95	Steam Generator Fabricator Notice to Contractor of Completion of 2nd Steam Generator Tubing Installation - Unit 3	Complete	Complete	
96	Steam Generator Fabricator Notice to Contractor of Satisfactory Completion of 1st Steam Generator Hydrotest - Unit 2	Complete	Complete	
97	Start concrete fill of Nuclear Island structural modules CA01 and CA02 for Unit 2	4/3/2014	7/18/2016	Unit 2
98	Passive Residual Heat Removal Heat Exchanger - Delivery of Equipment to Port of Entry - Unit 2	Complete	Complete	
99	Refueling Machine Fabricator Notice to Contractor of Satisfactory Completion of Factory Acceptance Test - Unit 2	Complete	Complete	

South Carolina Electric & Gas Company

**BLRA Milestones
VC Summer Units 2 and 3**

Settlement Exhibit 1
Exhibit No. (SAR-2)

Tracking ID	Order No. 2012-884 Description	Order No. 2012-884 Date	Revised Completion Date	Unit
100	Deliver Reactor Vessel Internals to Port of Export - Unit 2	1/31/2014	7/30/2015	Unit 2
101	Set Unit 2 Containment Vessel #3	4/24/2014	8/23/2016	Unit 2
102	Steam Generator - Contractor Acceptance of Equipment at Port of Entry - Unit 2	Complete	Complete	
103	Turbine Generator Fabricator Notice to Contractor Turbine Generator Ready to Ship - Unit 2	Complete	Complete	
104	Pressurizer Fabricator Notice to Contractor of Satisfactory Completion of Hydrotest - Unit 3	3/31/2014	3/28/2015	Unit 3
105	Polar Crane - Shipment of Equipment to Site - Unit 2	1/31/2014	12/31/2015	Unit 2
106	Receive Unit 2 Reactor Vessel on site from fabricator	Complete	Complete	
107	Set Unit 2 Reactor Vessel	6/23/2014	8/9/2016	Unit 2
108	Steam Generator Fabricator Notice to Contractor of Completion of 2nd Channel Head to Tubesheet Assembly Welding - Unit 3	12/31/2013	3/30/2015	Unit 3
109	Reactor Coolant Pump Fabricator Notice to Contractor of Final Stator Assembly Completion - Unit 3	8/31/2014	10/30/2015	Unit 3
110	Reactor Coolant Pump - Shipment of Equipment to Site (2 Reactor Coolant Pumps) - Unit 2	10/31/2013	5/30/2016	Unit 2
111	Place first nuclear concrete for Unit 3	Complete	Complete	
112	Set Unit 2 Steam Generator	10/23/2014	10/10/2016	Unit 2
113	Main Transformers Ready to Ship - Unit 2	Complete	Complete	
114	Complete Unit 3 Steam Generator Hydrotest at fabricator	2/28/2014	7/30/2015	Unit 3
115	Set Unit 2 Containment Vessel Bottom Head on basemat legs	Complete	Complete	
116	Set Unit 2 Pressurizer Vessel	5/16/2014	8/23/2016	Unit 2
117	Reactor Coolant Pump Fabricator Notice to Contractor of Satisfactory Completion of Factory Acceptance Test - Unit 3	2/28/2015	1/31/2017	Unit 3
118	Deliver Reactor Vessel Internals to Port of Export - Unit 3	6/30/2015	12/31/2016	Unit 3
119	Main Transformers Fabricator Issue PO for Material - Unit 3	Complete	Complete	
120	Complete welding of Unit 2 Passive Residual Heat Removal System piping	2/5/2015	1/16/2017	Unit 2
121	Steam Generator - Contractor Acceptance of Equipment at Port of Entry - Unit 3	4/30/2015	1/30/2016	Unit 3
122	Refueling Machine - Shipment of Equipment to Site - Unit 3	2/28/2015	3/27/2016	Unit 3
123	Set Unit 2 Polar Crane	1/9/2015	12/19/2016	Unit 2
124	Reactor Coolant Pumps - Shipment of Equipment to Site - Unit 3	6/30/2015	4/30/2017	Unit 3
125	Main Transformers Ready to Ship - Unit 3	7/31/2015	12/30/2015	Unit 3
126	Spent Fuel Storage Rack - Shipment of Last Rack Module - Unit 3	7/31/2014	5/31/2015	Unit 3
127	Start electrical cable pulling in Unit 2 Auxiliary Building	8/14/2013	11/29/2016	Unit 2
128	Complete Unit 2 Reactor Coolant System cold hydro	1/22/2016	2/19/2018	Unit 2
129	Activate class 1E DC power in Unit 2 Auxiliary Building	3/15/2015	6/22/2017	Unit 2
130	Complete Unit 2 hot functional test	5/3/2016	5/23/2018	Unit 2
131	Install Unit 3 ring 3 for containment vessel	8/25/2015	2/27/2017	Unit 3
132	Load Unit 2 nuclear fuel	9/15/2016	12/21/2018	Unit 2
133	Unit 2 Substantial Completion	3/15/2017	6/19/2019	Unit 2
134	Set Unit 3 Reactor Vessel	10/22/2015	5/26/2017	Unit 3
135	Set Unit 3 Steam Generator #2	2/25/2016	9/22/2017	Unit 3
136	Set Unit 3 Pressurizer Vessel	7/16/2015	11/27/2017	Unit 3
137	Complete welding of Unit 3 Passive Residual Heat Removal System piping	6/16/2016	1/29/2018	Unit 3
138	Set Unit 3 polar crane	5/9/2016	12/18/2017	Unit 3
139	Start Unit 3 Shield Building roof slab rebar placement	5/26/2016	5/11/2018	Unit 3
140	Start Unit 3 Auxiliary Building electrical cable pulling	11/7/2014	6/23/2017	Unit 3
141	Activate Unit 3 Auxiliary Building class 1E DC power	5/15/2016	3/13/2018	Unit 3
142	Complete Unit 3 Reactor Coolant System cold hydro	3/22/2017	2/26/2019	Unit 3
143	Complete Unit 3 hot functional test	7/3/2017	5/26/2019	Unit 3
144	Complete Unit 3 nuclear fuel load	11/15/2017	12/19/2019	Unit 3
145	Begin Unit 3 full power operation	4/8/2018	5/20/2020	Unit 3
146	Unit 3 Substantial Completion	5/15/2018	6/16/2020	Unit 3

RESTATED and UPDATED CONSTRUCTION EXPENDITURES

(Thousands of \$)

V.C. Summer Units 2 and 3 - Summary of SCE&G Capital Cost ComponentsActual through December 2014, plus
Projected

Plant Cost Categories	Total	Actual								Projected					
		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Fixed with No Adjustment															
Firm With Fixed Adjustment A															
Firm with Fixed Adjustment B															
Firm with Indexed Adjustment															
Actual Craft Wages															
Non-Labor Costs															
Time & Materials															
Owners Costs															
Transmission Costs	329,512	-	26	724	927	11,964	51,677	58,593	47,207	84,576	84,794	30,314	710	-	-
Total Base Project Costs(2007 \$)	6,246,638	21,723	97,386	319,073	374,810	314,977	488,461	448,947	422,076	742,880	759,311	858,948	388,617	169,840	38,269
Total Project Escalation	1,300,488	-	3,519	20,930	23,741	34,084	74,485	88,022	88,890	198,694	247,926	240,312	151,548	92,670	38,085
Total Revised Project Cash Flow	6,547,124	21,723	100,905	340,003	398,551	349,061	562,946	537,569	511,966	939,674	1,007,237	899,260	541,385	262,510	74,354
Cumulative Project Cash Flow(Revised)		21,723	122,629	462,632	861,183	1,210,244	1,773,190	2,310,759	2,822,725	3,762,398	4,769,635	5,668,895	6,210,260	6,472,770	6,547,124
AFUDC(Capitalized Interest)	279,790	845	3,497	10,584	17,150	14,218	18,941	27,722	26,131	30,502	44,426	38,884	30,984	11,526	3,598
Gross Construction	6,826,914	22,368	104,403	350,567	415,701	363,278	581,886	565,281	538,097	970,176	1,051,663	939,143	572,348	274,039	77,953
Construction Work in Progress		22,368	126,771	477,336	893,039	1,256,317	1,838,203	2,403,495	2,941,591	3,911,767	4,963,490	5,902,573	6,474,923	6,748,962	6,826,914

*Applicable index escalation rates for 2014 are estimated. Escalation is subject to restatement when actual indices for 2014 are final.

Notes:Current Period AFUDC rate applied **5.88%**

Escalation rates vary from reporting period to reporting period according to the terms of Commission Order 2009-104(A). These projections reflect current escalation rates. Future changes in escalation rates could substantially change these projections. The AFUDC rate applied is the current SCE&G rate. AFUDC rates can vary with changes in market interest rates, SCE&G's embedded cost of capital, capitalization ratios, construction work in process, and SCE&G's short-term debt outstanding.

